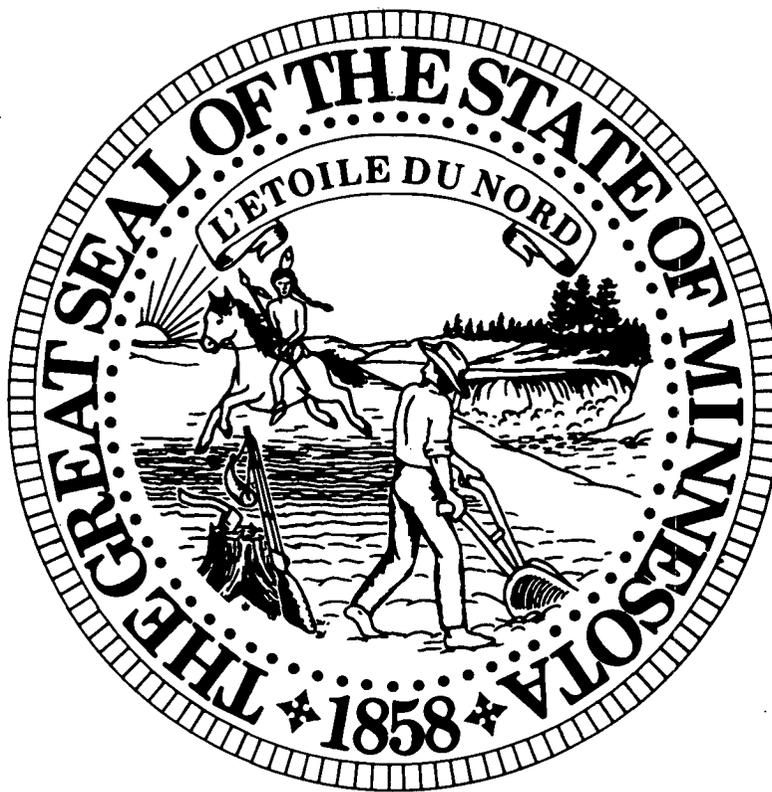


The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 1 April 1991
Volume 15, Number 40
Pages 2161-2212

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
40	Monday 18 March	Monday 25 March	Monday 1 April
41	Monday 25 March	Monday 1 April	Monday 8 April
42	Monday 1 April	Monday 8 April	Monday 15 April
43	Monday 8 April	Monday 15 April	Monday 22 April

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday, (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Arne H. Carlson, Governor

**Dana B. Badgerow, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Print Communications Division
Robin PanLener, Editor**

**Paul Hoffman, Assistant Editor
Debbie George, Circulation Manager
Bonita Karels, Staff Assistant**

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

Issue 40 (issues #1-39 appeared in #39)

Administration Department

1230.0100; .0150; .0300; .0400; .0500; .0600; .0700; .0900;
 .1000; .1100; .1150; .1175; .1200; .1400; .1450; .1600;
 .1700; .1805; .1810; .1820; .1830; .1850; .1860; .1900;
 .1910 (proposed) 2165
 1230.0200; .0400 s.1,3; .0700 s.2; .1500; .1700 s.2,3;
 .1800; .1900 s.2,3,4,6; .2000; .2100; .2200; .2300
 (proposed repealer) 2165

Health Department

4700.1900; .2000; .2100; .2300; .2410; .2420; .2500
 (proposed) 2183
 4700.2300 s.2; .2400; .2550 (proposed repealer) 2183

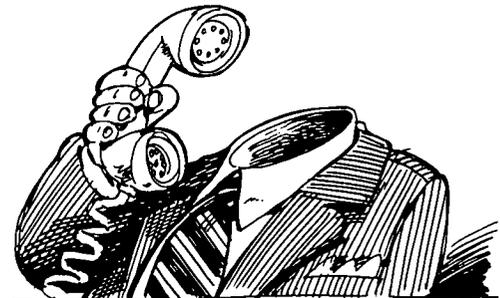
Revenue Department

8100.0200; .0700 (adopted) 2190

Ever called this guy?

1989-1990 State of Minnesota Telephone Director. Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically by name, agency, Minnesota region, plus an index for cross referencing. Over 250 pages, paperback, 8½"x11". Code #1-87, \$11.95.

Minnesota Guidebook to State Agency Services. A treasure of information that cuts red tape and gets you **RESULTS** from Minnesota state government. This important resource helps you through applications, fees, licenses, reports, history, recreation and travel. It describes agencies in detail and how they can assist you, giving addresses, phones and contact people. Stock #1-4, \$15.00 plus tax.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Administration

Proposed Permanent Rules Relating to Business

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Administration intends to adopt the above-entitled rule without a public hearing. The Administrative Procedure Act, *Minnesota Statutes*, Sections 14.22 to 14.28 sets forth procedures for adopting rules without a public hearing; the statutory authority to adopt the rule is contained in *Minnesota Statutes* § 16B.04, 16B.18, 16B.19 and 16B.22. The proposed rule consists of the existing permanent rule, 1230.0100 through 1230.1300 "State Contracts" with deletions, changes and additions as shown in the following section under "Rules as Proposed" and the adoption of the existing emergency rule governing the "Small Business Procurement Program" 1230.1400 through 1230.1410 with minor changes, deletions and reorganization as shown.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment in writing should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 calendar day comment period beginning with the date of publication of this notice. If 25 or more persons submit a written request for a public hearing within the 30 day comment period a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed. If a public hearing is required the department will proceed in accordance with *Minnesota Statutes*, Sections 14.13 to 14.20.

Comments and/or written requests for a public hearing must be submitted to:

Robert J. Baldwin
Minnesota Department of Administration
Materials Management Division, Rm. #112
50 Sherburne Avenue
St. Paul, Minnesota 55155

The proposed rule may be modified if the modifications are supported by data and views submitted to the department and do not result in a substantial change in the proposed rule as shown in this notice. A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of the proposed rule is available upon request from Robert J. Baldwin at the above address.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the attorney general for review as to legality and form to the extent that form relates to legality. Any person may request notification of the date of submission to the attorney general. Persons who wish to be advised of the submission of this material to the attorney general or who wish to receive a copy of the adopted rule, must submit the written request to Robert J. Baldwin at the above address.

Dated: 15 March 1991

Dana Badgerow
Commissioner of Administration

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Rules as Proposed

1230.0100 SCOPE.

Pursuant to *Minnesota Statutes*, chapter 16B, parts 1230.0100 to ~~1230.2300~~ 1230.1910 govern the procurement of materials and services for the state under the competitive bidding requirements.

1230.0150 DEFINITIONS.

Subpart 1. **Scope.** Within parts 1230.0100 to 1230.1910, the following apply, unless clearly indicated otherwise by the context.

Subp. 2. **Affiliate or subsidiary of a business dominant in its field of operation.**

A. "Affiliate or subsidiary of a business dominant in its field of operation" means a business that is at least 20 percent owned by a business dominant in its field of operation or by partners, officers, directors, majority stockholders, or their equivalent of a business dominant in that field of operation.

B. "Dominant in its field of operation" means exceeding the annual gross revenues or sales specified in part 1230.1600, subpart 3.

Subp. 3. **Broker.** "Broker" means a business that carries no inventory and that has no written ongoing agreement with any manufacturer or manufacturer's authorized distributor to sell the products of the manufacturer.

Subp. 4. **Business.** "Business" means a contractor, subcontractor, supplier, consultant, or provider of technical, administrative, or physical services organized as a sole proprietorship, partnership, association, corporation, or other entity formed for the purpose of doing business for profit.

Subp. 5. **Contractor.** "Contractor" means a business that is engaged in construction such as general, mechanical, or electrical contracting, or that provides a specific service such as trash removal, snow removal, janitorial services, or consultant, professional, or technical services.

Subp. 6. **Dealer, jobber, or distributor.** "Dealer," "jobber," or "distributor" means a business that maintains a store, warehouse, or other establishment in which a line or lines of products are kept in inventory and are sold to the public on a wholesale or retail basis.

Subp. 7. **Debarment.** "Debarment" means the disqualification of a person to receive invitations for bids or requests for proposals, or the award of a contract by a governmental body, for a specified time commensurate with the seriousness of the offense, the failure, or the inadequacy of performance.

Subp. 8. **Director.** "Director" means director of the Materials Management Division or a Materials Management Division manager with written delegation of authority from the director.

Subp. 9. **Division.** "Division" means Materials Management Division, Department of Administration, Room 112, State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155.

Subp. 10. **Franchise.** "Franchise" means an operating agreement obtained from a franchiser to conduct a business entity, as an affiliate, that does not provide the operator with the exclusive right to profit from the operator's effort, commensurate with ownership and to bear the risk of loss or failure and does not meet the test of ownership outlined in subpart 24 and part 1230.1700, subparts 5, item C, and 5a, items A to F.

Subp. 11. **Joint venture.** "Joint venture" means the temporary association of two or more businesses to secure and fulfill a procurement bid award. For awards under the preference or set-aside provisions of the small business procurement program in parts 1230.1400 to 1230.1910, all parties in the joint venture must be certified as targeted groups or economically disadvantaged area businesses.

Subp. 12. **Liquidated damages.** "Liquidated damages" means a specific sum of money, agreed to as part of a contract to be paid by one party to the other in the event of a breach of contract in lieu of actual damages, unless otherwise provided by law.

Subp. 13. **Manufacturer.** "Manufacturer" means a business that makes or processes raw materials into a finished product.

Subp. 14. **Manufacturer's representative.** "Manufacturer's representative" means a business that has a written agreement or agreements with one or more manufacturers or manufacturer's authorized distributors to sell the products of the manufacturer, but that is not an employee of the manufacturer.

Subp. 15. **Material variance.** "Material variance" means a variance in a bid from specifications or conditions that allows a bidder a substantial advantage or benefit not enjoyed by all other bidders.

Subp. 16. **Open market.** "Open market" means purchases made in the marketplace without the need for competitive bids.

Subp. 17. **Person.** "Person" means a natural person or a business.

Subp. 18. Principal place of business. “Principal place of business” means the primary physical location at which or from which a business performs, is maintained, or operates.

Subp. 19. Reinstatement. “Reinstatement” means a debarred vendor may seek restoration to state bidders lists one year from the date on which debarment ends by submitting an application to the director. If a debarred vendor is restored to the state bidders lists, the vendor will be subject to a one-year probationary period.

Subp. 20. Responsible bidder. “Responsible bidder” means a bidder who:

A. is a manufacturer of, deals in, but is not a broker of, or is the agent of a manufacturer with full knowledge of supplies to be furnished; or

B. if services are to be provided, has the necessary skills or is in the business of supplying these services; and

C. can demonstrate a satisfactory credit standing, lack of tax liability, and the financial capability to perform a contract as evidenced by the ability to obtain bonding when required; and

D. has no unresolved record of failure to perform, or of unsatisfactory performance of, contracts for the state or other customers and is not currently debarred by another government entity for any cause including defaults on contracts, late deliveries, products not meeting specifications, substandard installation, or service; and

E. is otherwise qualified under rule and law, including incorporation in or registration to do business in Minnesota; and

F. has not engaged in unlawful practices, associated with organized crime, or operated under false names or fronts as a small business or a socially or economically disadvantaged small business; and

G. is in compliance with all tax laws of Minnesota, as evidenced by timely filing of all required returns, reports, payments, and possession of all applicable stamps, licenses, or other permits, and freedom from any judgment, lien, or seizure of assets or property to satisfy tax payments or duties; and

H. is willing to furnish all information necessary to determine responsibility as outlined in items A to G within 30 days or less or within a reasonable amount of time determined by prior consensus between the bidder and the division.

Subp. 21. SIC or Standard Industrial Classification. “SIC” or “standard industrial classification” was developed for use in the classification of business establishments by type of activity for the purpose of facilitating the collection, tabulation, presentation, and analysis of data collected by various agencies of the United States government, state agencies, trade associations, and private research organizations for promoting uniformity and comparability in the presentation of statistical data relating to those establishments and their fields of endeavor.

Subp. 22. Suspension. “Suspension” means to be temporarily suspended from consideration for award of contracts by the director of materials management while the director determines if there is probable cause for debarment. The suspension shall not exceed six months.

Subp. 23. Targeted group businesses. “Targeted group businesses” means certified businesses designated by the commissioner of administration that are majority owned and operated by women, persons with disabilities, or specific minorities and provide goods, products, or services within purchasing categories designated by the commissioner.

Subp. 24. Terms governing socially disadvantaged persons. The terms in items A to C have the meanings given them for purposes of administering the small business procurement program.

A. “Racial minority” means persons in one or more of the categories in subitems (1) to (5).

(1) “Black (not of Hispanic origin)” means persons having origins in any of the Black racial groups of Africa.

(2) “Hispanic” means persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(3) “Asian or Pacific Islander” means persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes China, Vietnam, Japan, Korea, the Philippine Islands, and Samoa.

(4) “Alaska native” means persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

Proposed Rules

(5) "Indian" means persons having origins in any of the original peoples of North America who are enrolled members of Indian tribes recognized by the governments of the United States and Canada.

B. "Women" means persons of the female gender.

C. "Persons who have suffered a substantial physical disability" means persons with a physical impairment that is likely to cause difficulty in securing, retaining, or advancing in employment, and that substantially limits one or more of the person's major life activities.

Subp. 25. **Third-party lessor.** "Third-party lessor" means a business that as a lessee acts as a lessor to a third party.

Subp. 26. **Small business eligible for certification as socially disadvantaged business or economically disadvantaged area business.** "Small business eligible for certification as socially disadvantaged business or economically disadvantaged area business" means a small business entity with its principal place of business in Minnesota organized for profit, including an individual, partnership, corporation, joint venture, association, or cooperative that is 51 percent owned and is operationally controlled on a day-to-day basis by citizens of the United States.

1230.0300 SOLICITING BIDS.

Subpart 1. **Publication.** Any purchase estimated to exceed \$15,000 the limits established by *Minnesota Statutes*, section 16B.07, subdivision 3, shall be purchased on sealed bids, notice of solicitation of bid to be inserted once in a newspaper of general circulation will be advertised at least seven days prior to the bid opening date. Bids shall also be solicited by sending bid invitations to all prospective bidders registered with the division of Procurement pursuant to subpart 3 and by posting notice on a public bulletin board in the Division of Procurement Office at least five days prior to the bid opening date.

Subp. 2. **Open market.** Any purchase estimated to be \$15,000 or less than the limits established by *Minnesota Statutes*, section 16B.07, subdivision 4, may be made upon competitive bids or in the open market, but in either case will be based on three competitive bids, so far as practicable.

Subp. 3. **List of bidders.** A list of bidders shall be maintained by the division of Procurement for various commodity classes commodities and services. Any Persons desiring to sell supplies commodities or provide services to the state may file with the director of procurement a letter showing their business address, the commodities they desire to sell to the state, and proof of incorporation or registration to do business in the state request a vendor registration application. Upon approval of the application by the division as meeting the requirements in part 1230.0150, subpart 20, the firm vendor's name shall then be placed on the permanent appropriate bid list lists to receive invitations to bid. The name of a bidder vendor who fails to respond to three consecutive bid invitations shall will be removed from the list lists of bidders upon written notice. The name of the bidder vendor so removed shall will be restored only by through specific written request from the vendor.

1230.0400 SUBMISSION OF ADVERTISED BIDS.

Subpart 1. [See repealer.]

Subp. 2. **Bid conditions.** General bid conditions applicable to all state purchases shall be stated on the standard invitation to bid. Special bid conditions applicable to specific commodities or types of purchase shall be stated in the invitation to bid. Special conditions supersede general conditions, if conflicting In the event of conflict between general bid conditions and special bid conditions, the special bid conditions will govern.

Subp. 3. [See repealer.]

1230.0500 BID SECURITY.

Subpart 1. **Payment.** Each bid invitation shall set forth the bid security required by the division. Such bid security shall be made payable to "State of Minnesota" and shall be made upon the condition or guarantee that in the event the bidder's offer is accepted, the bidder shall enter into contract in accordance with the proposal.

Subp. 2. **Forfeit.** Certified checks or bid bonds of successful bidders shall constitute liquidated damages for failure of a bidder to enter into a contract, and shall also be held as security for delivery and acceptance of merchandise, or satisfactory completion of the contract. A performance bond for 25 percent of the award may be substituted.

Subp. 3. **Return.** Bid security checks of unsuccessful bidders shall be returned to vendor by placing them in the mail within five working days after an award is made. Bid security checks of successful vendors shall be returned as soon as delivery is completed and acceptance is made by the agency, or the contract is satisfactorily completed. No interest shall be paid on any moneys money held as security.

Subp. 4. **Annual bid and supply bond.** Bidders may file with the director of procurement an annual bid and supply bond in lieu of individual bonds or other security required in various individual bid invitations. Annual bid and supply bonds, when accepted by the director of procurement, shall cover all bids by the vendor for materials, commodities, and supplies during the effective period of the annual bond, except as provided in subpart 5. The vendor shall be notified in writing if the necessity arises to attach the bond for breach of contract.

Subp. 5. **Bids excluded from annual bid and supply bonds.** Annual bid and supply bonds shall not cover ~~bid~~ bids:

- A. for building construction, repair, remodeling, or other public works;
- B. on which the annual bid security does not amount to five percent of the bid;
- C. when another bond is required by specification; or
- D. when bond is used as security on other bids.

1230.0600 BIDDER ERRORS.

Prior to the opening of sealed bids, any person may withdraw ~~his a~~ a bid by notifying the director in writing of ~~his the~~ the desire to withdraw, by appearing in person at the division of ~~Procurement~~ Procurement office and withdrawing the bid, or by telegraphic writing or facsimile received by the director requesting withdrawal of ~~his the~~ the bid.

Subsequent to the opening of sealed bids, a person may withdraw ~~his a~~ a bid only upon a showing that an obvious error exists in the bid. The showing and request for withdrawal must be made in writing to the director within a reasonable time after the opening of the bids and prior to the state's detrimental reliance on the bid.

1230.0700 OPENING OF BIDS.

Subpart 1. **Division's treatment of bids.** Upon receipt in the division of ~~Procurement~~ Procurement, all bids will be time stamped, showing the date and hour received. Bids received after the time set for the opening of bids will be returned unopened to the bidders. Bids shall be opened publicly and read aloud at the time and place established in the bid invitation. ~~All original bids will be retained pursuant to Minnesota Statutes, section 16B-07, subdivision 3, for public inspection in the Division of Procurement.~~

Subp. 2. [See repealer.]

Subp. 3. **Rejection of bids.** The state may reject any or all bids or portions thereof. All bids shall be rejected for good and sufficient cause, including but not limited to, abandonment of the project by the state, or insufficient state funds. A vendor whose sealed bid is rejected shall be given notice of the rejection and the reason(s) for rejection of the bid.

Subp. 4. **Informalities and minor deficiencies.** The state reserves the right to waive minor deficiencies or informalities in bids. Minor informalities shall be waived if, in the judgment of the director of ~~procurement~~ procurement, the best interest of the state would be served without prejudice to the rights of the other bidders. Examples of minor deficiencies include, but are not limited to, omission of the title of the signatory; failure to furnish required catalog cuts; and minor detail omissions.

1230.0900 TIED BIDS.

Subpart 1. **Resolving tied bids.** Tied low bids for less than \$500 shall be resolved by drawing lots among the tied low bidders, except as provided in subpart 2.

Except as provided in subpart 2, tied low bids for \$500 or more shall be referred to the director ~~or assistant director of procurement~~ for disposition. The director of ~~procurement~~ procurement may enter into negotiation with tied low bidders when the director deems such action to be in the best interest of the state.

Subp. 2. **Preference for Minnesota firms.** Whenever a tie involves a Minnesota firm and one whose place of business is outside the state of Minnesota, preference shall be given to the Minnesota firm.

1230.1000 CONTRACT PERFORMANCE.

Subpart 1. **Shipment.** The director of ~~procurement~~ procurement or authorized agents of state departments shall place orders with successful bidders using official state purchase orders. Upon award, shipment shall be made in accordance with delivery instructions in the invitation to bid.

Subp. 2. **Inspection.** The state may require that the vendor permit inspection of the commodities prior to shipment at the factory, plant, or establishment where produced, manufactured, or stored. Unless provision for inspection is made in the invitation to bid, costs thereby incurred will be paid by the state.

Subp. 3. **Grounds for rejection.** All deliveries shall conform to specifications of the bid. Failure in this respect shall be cause for rejection of the goods. Commodities that fail to comply with specifications, fail to conform to the vendor's sample, are not as provided on the purchase order, or arrive in an unsatisfactory condition shall be rejected except as provided in subpart 7.

Subp. 4. **Notice of rejection.** Notice of rejection, based upon apparent deficiencies disclosed by ordinary methods of inspection,

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shall be given by the receiving agency to both vendor and the carrier (if f.o.b. shipping point) within reasonable time after delivery, with a copy of this notice to the division of Procurement. A revocation of acceptance for latent deficiencies that would make the items unsatisfactory for the purpose intended shall be given by the state within reasonable time after discovery. The contractor shall satisfactorily repair or replace such items within a reasonable period of time.

Subp. 5. **Removal of rejected items.** The vendor shall ~~forthwith~~ remove at ~~his~~ the vendor's expense any item rejected by the state. If the vendor fails to remove ~~such an item, or to forthwith forward~~ the items and instead forwards shipping instructions to the agency concerned, the state need not comply, but may sell the item and remit the proceeds of sale, less the expense involved, in accordance with law, including but not limited to, *Minnesota Statutes*, section 336.2-603.

Subp. 6. **Replacing rejected items.** If the needs of a state agency do not permit time to replace rejected merchandise, or if deliveries are not made within the time specified in the contract, the agency may, with the approval of the director of procurement, buy on the open market supplies of the nature required. The vendor shall be liable for all additional costs and expenses.

Subp. 7. **Adjusting price of nonconforming items.** If it is determined that an item does not conform strictly to specifications, but can be used satisfactorily, the director of procurement ~~may adjust the price,~~ with written acquiescence of the vendor, may adjust the price and authorize the agency to keep and use such part of the order when such action is required to sustain continued operation.

Subp. 8. **Laboratory tests.** The director of procurement may ~~direct~~ require that a laboratory analysis or other tests be made to determine the acceptability of the delivered product(s) and to ensure that those product(s) meet specifications. ~~In these instances When analyses or tests are required,~~ acceptance by the state shall not occur nor be deemed to have been made, ~~and the discount time shall not begin,~~ until testing is completed and affirmative results are obtained. Any discount time applicable shall begin after affirmative results are obtained. Vendors shall be notified of unsatisfactory test results.

1230.1100 FAILURE TO PERFORM.

Subpart 1. **Penalties.** If a bidder who is awarded a contract fails to perform as specified, the bid security as described in part 1230.0500, subpart 1, shall be retained by the state and deposited with the state treasurer as liquidated damages. The vendor may also be determined not to be a responsible bidder. The state may also pursue all other remedies permitted by rule or provided by law.

If the bid security is in the form of a bond, the bonding company shall be notified in writing of the default. A vendor who fails to enter into contract that has been awarded to him may be determined not to be a responsible bidder regardless of whether bid security was required. The state may seek further damages and shall not be limited by the absence or existence of a bond. In all cases of default, the vendor may be determined not to be a responsible bidder.

Subp. 2. **Failure to furnish security.** After the award of a contract, if performance security is required and the vendor fails to furnish satisfactory performance security, ~~if required,~~ the vendor shall be ~~deemed~~ considered in default and subject to ~~the above provisions subpart 1 and this subpart.~~

Subp. 3. **Types of failure to conform to specifications.** A vendor shall be held in default for failure to conform to bid specifications or standard commercial practices including, but not limited to the following:

- A. failure to make deliveries within the time specified in the contract; or
- B. deliveries of goods or materials that do not conform to samples or specifications ~~and are not promptly replaced;~~ or
- C. delivery of goods or materials that are ~~repeatedly~~ rejected; or
- D. misbranding or materially misrepresenting goods or materials purchased under the contract.

1230.1150 AUTHORITY TO DEBAR OR SUSPEND VENDORS.

Subpart 1. **Suspension.** After written notice to the person involved and providing for a reasonable opportunity for that person to be heard, the director shall have the authority to suspend a person from consideration for awards of contracts for a minimum of one year if the director determines that the person has engaged in an activity that might lead to debarment.

Subp. 2. **Debarment causes.** A vendor shall be debarred if one or more of the following occurs:

A. conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;

B. conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects responsibility as a state contractor;

C. conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

D. violation of contract provisions, as set forth in subitems (1) and (2), of a character that is regarded by the director to be so serious as to justify debarment action;

(1) failure without good cause to perform according to the specifications or within the time limit provided in the contract;

or

(2) a recent record of failure to perform, or of unsatisfactory performance, according to the terms of one or more contracts; provided that this failure to perform or unsatisfactory performance was not caused by acts beyond the control of the contractor; or

E. any other cause the director determines to be so serious and compelling as to affect responsibility as a state contractor, including, but not limited to, collusion with other bidders to restrain competitive bidding, giving false information on a bidder's application, and all acts that would disqualify the person as a responsible bidder, as defined in part 1230.0150, subpart 20, including debarment by another governmental entity.

In the case of debarment by other governmental entities, should that debarment result from action by the federal government, the state of Minnesota, or any of its departments, commissions, or agencies, or any of its political subdivisions, the terms and limits of that debarment are automatically effective for parties so debarred in doing business with the division. Debarments by other governmental entities are cause for suspension until a determination can be made by the division under normal suspension procedures as to whether the debarment applies under Minnesota statutes and rules.

Subp. 3. Written notice. A written notice to debar or suspend shall be furnished to the affected parties and shall:

A. state the reasons for the action taken;

B. give the length of time the vendor will be debarred; and

C. inform the debarred or suspended person of the person's rights to administrative and judicial review according to subpart

4.

Subp. 4. Suspension or debarment appeals. If suspended or debarred, a person may file an appeal in writing with the commissioner of administration within 30 days of receipt of a decision to suspend or debar. The commissioner shall, within 45 days, decide whether the actions taken were according to statutes and regulations and were fair and in the best interest of the state.

Any person receiving an adverse decision from the commissioner may appeal in any appropriate court of the state.

Subp. 5. Length of debarment. A bidder may be debarred from receiving and submitting bids for not less than one year, nor more than three years. The length of the debarment will depend on the vendor's past performance, the number and seriousness of the current complaints, and the cost to the state associated with correcting the problem.

Subp. 6. Public list of debarred. The division shall maintain a master list of all suspensions and debarments. The master list will retain all information concerning suspensions and debarments as a public record. The records will be maintained for at least three years following the end of a suspension or debarment. Such public information may be considered in responsible bidder determinations according to part 1230.0150, subpart 20.

1230.1175 REINSTATEMENT AND PROBATION.

Subpart 1. Review of reinstatement applications. The director will review vendor applications for reinstatement.

Subp. 2. Application for reinstatement time limits. A person who has been debarred may not seek reinstatement until one year from the end of the debarment period.

Subp. 3. Information in reinstatement application. A request for reinstatement must be made to the director in writing and include:

A. all information necessary to qualify as a responsible bidder, as defined in part 1230.0150, subpart 20;

B. an explanation of the steps taken by the applicant to resolve the production, financial, or technical problems that caused its previous failure to perform;

C. evidence of successful completion of at least four other contracts, including contracts with two public entities in the same commodity class, field, or type of work in which the applicant seeks to bid; or

D. a written narrative outlining all steps taken to ensure that the cause for debarment has been corrected with appropriate supporting documentation.

Subp. 4. Actions following decision. The director will determine if the person can be reinstated as a responsible bidder and be added to the bidders list. If, after investigation, the petitioner's request for reinstatement is denied, the person cannot reapply for reinstatement for one year from the date of denial. If reinstated, the petitioner will be placed on the bidders list and be subject to a one-year probationary period.

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Subp. 5. Probationary periods and conditions. Vendor probationary periods apply to formally debarred persons who have been reinstated as responsible bidders.

The length of the probationary period will be one year from the date of reinstatement.

During the probationary period, the party on probation must respond to all bid requests received from the division.

If a bid from a vendor on probation is accepted and the vendor refuses to perform or enters into a contract and performance is substandard, the performance or supply bond, if any, will be retained and the vendor will be deemed not to be a responsible bidder and will be permanently removed from the list of bidders.

1230.1200 CONTRACT CANCELLATION.

The director of procurement may cancel a purchase entered into under competitive bidding under any one of the following conditions including, but not limited to:

- A. the contractor agrees to the cancellation;
- B. the contractor has obtained the contract by fraud, collusion, conspiracy, or in conflict with any statutory or constitutional provision of the state of Minnesota; or
- C. failure to deliver as agreed; or
- D. failure to deliver within the time period stated in the invitation to bid.

SMALL BUSINESSES OWNED BY DISADVANTAGED PERSONS BUSINESS PROCUREMENT PROGRAM

1230.1400 PURPOSE.

Parts ~~1230.1300~~ 1230.1400 to ~~1230.1900~~ 1230.1910 are promulgated adopted pursuant to *Minnesota Statutes*, sections 16B.19 to 16B.22 and 645.445 for the purpose of establishing governing procurement procedures relating to the small business and small business owned by socially or economically disadvantaged persons set-aside program preference programs for targeted group or economically disadvantaged area small businesses. These programs are administered by the Materials Management Division of Procurement, Department of Administration, 50 Sherburne Avenue, Saint Paul, Minnesota 55155. ~~Parts 1230.1300 to 1230.1900 shall also govern procurement under this program.~~

1230.1450 SCOPE.

In the event of irreconcilable conflict between the general procurement rules in parts 1230.0100 to 1230.1399 and 1230.1400 to 1230.1910 relating specifically to the small business procurement program, parts 1230.1400 to 1230.1910 shall govern. The definitions contained in part 1230.0150 shall apply in the administration of these preference programs.

1230.1600 ELIGIBILITY FOR SET-ASIDE SOCIALLY DISADVANTAGED OR ECONOMICALLY DISADVANTAGED AREA SMALL BUSINESS PROGRAM.

Subpart 1. Eligible businesses. The following businesses shall be eligible for participation in the set-aside socially disadvantaged or economically disadvantaged area small business program: manufacturer, manufacturer's representative, dealer, jobber, distributor, contractor, and businesses engaged in a joint venture.

Subp. 2. Ineligible businesses. The following businesses shall not be eligible for participation in the set-aside socially disadvantaged or economically disadvantaged area small business program: brokers and, third-party lessors, and franchises.

Subp. 3. Revenue or sales limitations; Minnesota Small Business Program. For the purpose of identifying businesses eligible to participate in the Minnesota Small Business Program, the preference and set-aside programs for targeted group small businesses; or for small businesses located in economically disadvantaged areas, the qualifying parameter shall be expressed in terms of gross annual revenues or sales as an upper limitation; i.e. "not to exceed." In no case shall the limitation for any category of business enterprise be set at less than \$1,000,000.

A. Standard industrial classification (SIC) codes shall be used in classifying limitations among the variety of businesses potentially eligible for participation in the Minnesota Small Business Program.

B. Limitations, standards, shall be set for each major, two-digit, SIC group based on the following procedure:

(1) Typical financial balance sheet information compiled in annual reports such as the Robert Morris and Associates annual statement studies, Dun and Bradstreet, or similar reporting services will be used to establish the range of annual revenues or sales for a given major group class. This range shall, wherever the data is available, reflect an average of at least three consecutive reporting years, but shall not exceed five years.

(2) The upper limitation defining small business based on annual gross revenues or sales is determined by establishing a

representative annual market consisting of the total gross revenues or sales generated by the reporting sample class. The lower quartile, 25 percent, of this market shall represent the small business category.

(3) The average gross revenues of the number of firms it requires to equal the total lower quartile market shall be the upper limit, defined in gross annual revenues or sales, permitted for definition of a small business in Minnesota.

(4) Where the three-digit SIC code data treated in subitems (1) to (3), varies significantly from the two-digit aggregated data or the four-digit data varies significantly from the two- or three-digit classes, a specific limitation shall be established for that three- or four-digit class.

(a) Significant variation for differences between two- and three-digit codes shall be five percent above or below the two-digit standard for gross annual revenue or sales.

(b) Significant variation for differences between three- and four-digit codes shall be five percent, or ten percent above or below the two-digit standard.

(5) After the initial establishment of limitations according to the process described for definition as a small business in Minnesota, for the purposes of this program, the Department of Administration shall in year two of the rule begin a process of reexamining on an annual basis one-third of the groups for appropriate limitations and redefinition where justified.

1230.1700 SELF-CERTIFICATION CERTIFICATION OF ELIGIBILITY.

Subpart 1. **Required information.** ~~To become eligible to receive invitations for set-aside bids qualify for the preference programs established by Minnesota Statutes, section 16B.19, subdivisions 2a to 2d, each business shall certify and file with the Materials Management Division of Procurement the following information on the application forms provided:~~

A. the name and address of the applicant and the principal place of business;

B. ~~whether applicant is applying for which type of designation as a small business or a small business owned and operated by a socially disadvantaged small business or economically disadvantaged person(s); designation shall be made as to area small business, is being applied for:~~

(1) socially disadvantaged small businesses are those businesses owned by socially disadvantaged persons as defined by Minnesota Department of Administration, part 1230.1550, subpart 24; or

(2) an individual business which is not a targeted group business but is owned by a socially disadvantaged person, as defined in part 1230.1550, subpart 24, that is encountering the effects of discrimination as evidenced by the owner lacking adequate external support necessary to operate a competitive business enterprise through a diminished ability to secure:

(a) long-term or working capital financing;

(b) equipment, raw material, or supplier trade credit;

(c) bonding and insurance; or

(d) a proportionate share of the market for its goods and services; or

(3) the small business is located in an economically disadvantaged area as defined in Minnesota Statutes, section 16B.19, subdivision 2d, and/or

(a) the owner resides or is employed in an area designated a labor surplus area by the United States Department of Labor;

(b) the owner resides or is employed in a county in which the median income for married couples is less than 70 percent of the state median income for married couples;

(c) the business is a rehabilitation facility or a work activity program as certified by the Department of Jobs and Training;
or

(d) the small business owner resides or is employed in an area designated by the commissioner as an economically disadvantaged area under Minnesota Statutes, section 16B.19, subdivision 2d;

C. an indication of the type of business operated and the kinds of service, materials, or supplies which can be delivered;

C. ~~number of employees;~~

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D. gross revenues in the preceding fiscal year;

E. whether the business is an affiliate or subsidiary of a business dominant in its field of operation;

F. D. a listing of all owners, including percentage of ownership, and all officers of the applicant with method of acquisition, ownership in other firms, and copies of the following documents:

(1) complete financial statements for the business for each of the preceding three fiscal years, or since the inception of the business if established less than three years;

(2) a profile of the owners' management responsibilities and a description of the management responsibilities assigned to other individuals, including a chronological resume for each owner, officer, and other key personnel;

(3) a statement indicating whether or not the business is an affiliate or subsidiary of a business dominant in its field of operation;

(4) full disclosure of all owners' and officers' direct and indirect involvement in other businesses and enterprises which are in the same field of operation as the applicant, unless ownership is by common stock regularly bought and sold through recognized exchanges; and

G. all other relevant information requested by the division.

(5) proof of ownership of business. Owners shall submit proof of their ownership of the requisite percentage of the business at the time the application is submitted, and the proof shall consist of stock certificates, a notarized affidavit of stock ownership from the corporate treasurer, a partnership agreement, a canceled check used to purchase ownership, or other recognized proof of ownership.

(a) In the case of a sole proprietorship or where documentary proof of ownership is not available, the owner shall clearly state the reasons for such and be prepared to assist the division in further investigation of proof.

(b) If requested, the owners must show how and when the interest in the business was acquired.

(c) The division may require additional proof or information necessary to verify ownership.

E. In addition, for certification under item B, subitem (2), unit (a), (b), (c), or (d), the following information must be provided for the most recent fiscal year and the preceding four years, if the applicant has operated as a business for four years, identifying the fiscal year reporting system used by the applicant and listing in whole dollar amounts:

(1) assets:

(a) cash and equivalent: all cash, marketplace securities, and other near-cash items, excluding sinking funds;

(b) trade receivables (net): all accounts from trade, less allowance for doubtful accounts;

(c) inventory: anything constituting inventory for the business;

(d) all other current: any other current assets, not including prepaid items;

(e) total current: the total of all current assets shown in subitems (a) to (d);

(f) fixed assets (net): all property, plant, leasehold improvements, and equipment, less accumulated depreciation or depletion;

(g) intangibles (net): intangible assets, including goodwill, trademarks, patents, catalogs, brands, copyrights, formulas, franchises, and mailing lists, less accumulated amortization;

(h) all other noncurrent: prepaid items and any other noncurrent assets;

(i) total: total of all items listed above.

(2) liabilities:

(a) notes payable (short-term debt): all short-term note obligations, including bank and commercial paper excluding trade notes payable;

(b) current maturities (long-term debt): that portion of long-term obligations that is due within the next fiscal year;

(c) trade payables: open accounts due to the trade;

(d) income taxes payable: income taxes, including current portion of deferred taxes. Identify federal, state, and local income taxes in subtotals;

(e) all other current: all other current liabilities, including bank overdrafts and accrued expenses;

(f) total current: total of all current liabilities listed above;

(g) long-term debt: all senior debt, including bonds, debentures, bank debt, mortgages, deferred portions of long-term debt, and capital lease obligations;

(h) deferred taxes: all deferred taxes. Identify federal, state, and local taxes in subtotals;

(i) all other noncurrent: any other noncurrent liabilities, including subordinated debt and liability reserves;

(j) net worth: difference between total liabilities and total assets, including minority interest;

(k) total liabilities and net worth: total of all items listed above.

(3) income data:

(a) net sales: gross sales less returns and discounts allowed, if any;

(b) gross profit: net sales less cost of sales;

(c) operating expenses: all selling, general, and administrative expenses, including depreciation, excluding interest expense;

(d) operating profit: gross profit less operating expenses;

(e) all other expenses (net): includes miscellaneous other income less expenses, such as interest expense, miscellaneous expenses not included in general and administrative expenses netted against recoveries, interest income, dividends received, and miscellaneous income;

(f) profit before taxes: operating profit minus all other expenses (net).

F. If the business seeking certification is a contractor, the information in item E must be submitted in all categories except as modified in the following:

(1) assets:

(a) accounts receivable - progress billings: amounts billed on current contracts excluding retention;

(b) accounts receivable - current retention: amounts held back by customers on current contracts as retention;

(c) inventory: costs attributable to equipment, small tools, supplies, and other deferred costs related to contracts in progress where a portion of the cost applies to work not yet performed;

(d) costs and estimated earnings in excess of billings: the difference between the total of costs and recognized estimated earnings to date and the total billings to date;

(e) total current: total of all current assets shown and as modified, changed, or added in the above definitions;

(f) joint ventures and investments: the total of investments and equity in joint ventures.

(2) liabilities:

(a) accounts payable - trade: open accounts and not obligations due to the trade;

(b) accounts payable - retention: amounts held back as retention in payments to subcontractors on current contracts;

(c) billings in excess of costs and estimated earnings: the difference between the total billings to date and the total of costs and recognized estimated earnings to date;

(d) total current: total of all current liabilities shown and as modified, changed or added in the above definition;

(e) total liabilities and net worth: total of all items shown as modified, changed, or added in the above definitions.

(3) income data:

(a) contract revenues: revenues recognized under percent of completion method (in place of net sales).

G. In separate schedules, all applicants applying under item E or F should show the amounts attributable to depreciation, depletion, amortization, interest income, interest expenses, officers' compensation, and miscellaneous income shown as passive or nonpassive income. A schedule of leased assets with a brief description of type and dollar value must be submitted. A brief outline describing shareholders equity must be submitted, when applicable, for the type of company organization.

In addition, supportive documentation must be submitted when seeking certification under various provisions as follows:

(1) item B, subitem (2), unit (a): for certification as lacking adequate external support in obtaining long-term or working

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capital financing, any documentation showing denial of loans or offers of loans at terms and rates not currently normal for similar enterprises;

(2) item B, subitem (2), unit (b): for certification as lacking external support in obtaining equipment, raw materials, or supplier trade credit, any documentation showing denial of credit or credit extended at terms, conditions, and rates in excess of the norm expected within similar enterprises;

(3) item B, subitem (2), unit (c): for certification as lacking adequate external support in obtaining bonding and insurance, any documentation showing inability to obtain bonding or insurance at rates and terms normally expected within the industry segment of the applicant.

(4) In all cases, adequacy of documentation, accuracy of financial data, and development of argument and positions with regard to an applicant's lack of external support within any of the four categories of item B, subitem (2), unit (a), (b), (c), or (d), rests with the applicant and must be submitted in writing with the application for certification. The division retains the right of inquiry and verification of all information submitted.

H. When seeking certification under any provision of item B, subitem (1), (2), or (3), or any other certification provision, the applicant shall provide all other relevant or supporting information requested by the division.

I. Denials of certification under these provisions are subject to appeal under subpart 7.

Subp. 2. and 3. [See repealer.]

Subp. 4. **Notice of changes.** The director of the division of Procurement shall be notified in writing of any and all changes change in the applicant's business which may alter the application or attached information provided above within 30 days of such change(s) the changes.

Subp. 5. **Grounds for rejecting self-certification application.** Each An applicant shall be notified in writing of the acceptance or rejection of the application, within 30 days of receipt of the self-certification application form and all supporting documents required by the division of Procurement. An application shall be rejected on any of the following grounds:

A. the applicant is dominant in its field of operation or is an affiliate or subsidiary of a business dominant in its field of operation;

B. the applicant has failed to provide all relevant required information;

C. where applying for designation as a business owned and operated by socially or economically disadvantaged person(s), the applicant failed to establish that majority ownership and day-to-day operating control are held by socially disadvantaged small business or economically disadvantaged area small business person(s);

D. the applicant has failed to comply with laws and rules of the state relating to procurement;

E. applicant's failure to comply with the requirements of these rules or Minnesota Statutes, section 16B.19, et seq. faith in application for inclusion in this program; and the applicant has intentionally or negligently falsified application information;

F. the applicant is a broker and/or third-party lessor- or operates as a franchiser or franchisee;

G. the applicant's principal place of business is not in Minnesota;

H. ownership of the applicant's business is shared with a previously certified participant who was removed from the bid eligibility list or directory of certified businesses by operation of Minnesota Statutes, section 16B.22, clause (c), and part 1230.1850; and

I. the applicant's financial data profile does not fit within the parameters in subpart 5a, item I, subitem (2), unit (a), when applying as an individual business under subpart 1, item B, subitem (2).

Subp. 5a. Criteria for determinations. The following standards shall be used in determining whether, under subpart 5, item C, a firm is owned and operated on a day-to-day basis by one or more socially or economically disadvantaged persons:

A. The individual's claim, supported by sufficient documentation, that he or she is a socially disadvantaged small business person or an economically disadvantaged area small business person as defined in these rules.

B. The ownership and day-to-day operation of a socially disadvantaged small business or economically disadvantaged area small business must be real, substantial, and continuing, and must go beyond the pro forma ownership of the firm as reflected in its ownership documents. The socially disadvantaged or economically disadvantaged small business owners must have the customary incidents of business ownership and shall share in the risks and profits commensurate with their ownership interests as demonstrated by an examination of the substance, rather than form of the business arrangements. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient. The division shall consider all relevant factors, including the date the business was established, the adequacy of its resources for the work of the contract, and the degree to which financial arrangements, equipment rental or leasing agreements, and relationships with nontargeted businesses that vary from accepted industry practice.

C. The socially disadvantaged or economically disadvantaged area business owner must possess the power and expertise to direct the management and policies of the firm and to make the day-to-day as well as major decisions on matters of management, policy, and operation. The firm must not be subject to any formal or informal restrictions that limit the customary discretion of the socially or economically disadvantaged owners. There must be no restrictions through, for example, bylaw provisions, partnership agreements, or charter requirements for cumulative voting rights or otherwise that prevent the socially or economically disadvantaged business owners from making a business decision for the firm without the cooperation or vote of any owner who is not a socially or economically disadvantaged person.

D. If the owners of the firm who are not socially or economically disadvantaged persons are disproportionately responsible for the operation of the firm, then the firm will not be considered to be owned and operated by socially or economically disadvantaged persons.

E. All securities that constitute ownership or control or both ownership and control of a corporation must be held directly by socially or economically disadvantaged persons. No securities held in trust or by any guardian for a minor will be considered as held by socially or economically disadvantaged persons in determining the ownership or control of a corporation.

F. The contributions of capital or expertise by the socially or economically disadvantaged owners to acquire their interests in the firm must be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to the firm or its owners who are not socially or economically disadvantaged, or participation as an employee only, rather than as a manager.

G. In addition to the standards in items A to F, the following circumstances will be given special consideration in determining eligibility:

(1) newly formed firms and firms whose ownership or day-to-day operating control or both ownership and control has changed will be closely scrutinized to determine the reasons for the timing of the formation or of a change in the firm;

(2) a previous or continuing employer-employee relationship between or among present owners will be carefully reviewed to ensure that the employee-owner has the management responsibilities and capabilities referred to in subpart 5 and this subpart;

(3) any relationship between a socially disadvantaged or economically disadvantaged area business and a business that is not a socially disadvantaged or economically disadvantaged area business that has an interest in the socially disadvantaged or economically disadvantaged area business will be carefully reviewed to determine if the interest conflicts with the ownership and day-to-day operating control requirements.

H. The combined gross sales or revenues from businesses operated by the same owners in related fields exceed the highest size standard for the field defined under part 1230.1600, subpart 3.

I. The following standards, along with supporting documentation, shall be used in reaching a determination to certify an applicant under subpart 1, item B, subitem (2), unit (a), (b), (c), or (d):

(1) Financial data for the company seeking certification shall be analyzed using formulas, techniques, processes, and ratios used in the annual statement studies published by Robert Morris and Associates (RMA), Philadelphia. Where RMA data does not reflect or provide adequate comparable data for the applicant's main line of business, the "Industry Norms and Key Business Ratios," published by Dun and Bradstreet Credit Services, or any similar representative reporting service may be used.

(2) Certification determination will be made upon careful review of all the evidence submitted. However, to establish eligibility for this review, the financial data applicable to the applicant company shall fall within the following parameters:

(a) financial ratios: at any point between the lower quartile and the upper quartile. Upper quartile ratings are indicative of a successful company not in need of the assistance provided through certification. Lower quartile ratings indicate a need for additional assistance before certification. Lower quartile businesses will be referred to the Department of Trade and Economic Development for remedial assistance before becoming eligible for reconsideration for certification.

(3) The following ratios and formulas will be used to determine eligibility for certification:

(a) lacking adequate external support in obtaining long-term or working capital financing: earnings before interest and taxes (EBIT)/interest, sales/working capital, quick ratio, fixed/worth, debt/worth;

(b) lacking adequate external support in obtaining equipment, raw materials, or supplier trade credit: current ratio, quick ratio;

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(c) bonding and insurance: none - review of documentation only;

(d) the business has not captured a proportionate share of the market for its goods and services, based on the most current annual statement studies published by RMA. The national average revenues appropriate for the applicant business's standard industrial code and asset size will be divided by the national average assets determined similarly and multiplied by the applicant's actual total assets to indicate a proportionate market share. The applicant business's actual revenues will be divided by this proportionate market share to indicate the actual percentage of the proportionate market attained. Any percentage at 75 or less shall qualify for eligibility.

(4) If eligible under subpart 1, item B, subitem (2), unit (a), (b), (c), or (d), all other documentation shall be reviewed to arrive at a determination to grant or deny certification. The key determinant is "lacking adequate external support...as evidenced by diminished ability to secure..." Even though an applicant qualifies as an eligible business on the basis of financial ratios, if the business has been able to secure sufficient loans, bonding, insurance, or credit at the usual industry norms, it is not qualified as there is no evidence showing lack of support. Conversely, the business may show adequate financial ratios but still find itself unable to obtain any, or only partial, amounts of financing, bonding, credit, or insurance needed to remain competitive, or it can only acquire such at unfavorable terms not normal for its industry segment. Upon finding that such circumstances are not a result of internal management deficiencies as indicated by ratios appropriate to these concerns such as the following:

(a) percent profit before taxes/tangible net worth;

(b) percent profit before taxes/total assets;

(c) percent depreciation, depletion, amortization/sales; and

(d) percent officers' compensation/sales; the business can be certified as a targeted group business. The same management efficiency review shall apply when determining certification due to an inability to capture a proportionate market share; however, no other documentation will need be considered under this eligibility criterion. Findings that a business suffers from internal management deficiencies will require a denial of certification until remedial assistance has been obtained through referral to the Department of Trade and Economic Development for help from public or private resources. When the appropriate ratio indicators fall within the eligible zone, the business may again apply for certification.

The impact of both short- and long-term business cycles for the economy in general and for the particular business segment in specific shall be considered in arriving at certification findings. When appropriate, an average of two to five years of fiscal data for the applicant company shall be used in determining ratio values.

(5) Businesses seeking certification that operate in distinctly defined commodities, construction services, or product lines shall be reviewed for certification under those distinctions. If the company operates in more than one SIC classification, the review shall be made under the primary industry segment if 75 percent or more of its net sales or contract revenues are generated by that segment. The business may seek certification for individual product, service, commodity, or construction activities if 25 percent or more of its net sales or contract revenues is generated by a given category. All other financial data required by this application process must be proportionately attributed to the categories for which certification is sought unless it can be conclusively demonstrated that the dollar amounts shown are directly attributable to specific elements. If the company is unable to provide the breakdown of financial data requested by this rule, it must accept or request certification under the predominant category in its operation.

Subp. 6. Appeal of rejection of application. After an applicant has received written notice of rejection of its the application to participate in the set-aside program for certification as a socially disadvantaged small business or economically disadvantaged area small business, the applicant may appeal this the decision in writing to the director of the Division of Procurement commissioner of administration within 30 15 calendar days of receipt of such notice the determination. The director shall render a decision in writing on the application within 30 days of receipt of the appeal. If the applicant's rejection is sustained by the director, applicant may appeal this decision in writing to the commissioner of administration within 30 days of receipt of such determination. If there are facts in dispute, the commissioner may refer the matter to the Office of Administrative Hearings for a contested case hearing under Minnesota Statutes, sections 14.57 to 14.62. The applicant has the burden of proof in establishing qualifications for certification. The commissioner shall, if time permits, refer the appeal to the Small Business Procurement Advisory Council for its recommendation before reaching a final decision. The commissioner shall render the make a final decision in writing within 30 45 calendar days of receipt of such the appeal.

1230.1805 PROCUREMENTS FROM SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESSES.

A directory of eligible businesses, certified pursuant to part 1230.1700 shall be established and maintained by the division for various commodity classes.

1230.1810 PROPORTIONAL UTILIZATION OF SOCIALLY DISADVANTAGED BUSINESSES.

The division shall attempt to achieve utilization of socially disadvantaged small businesses in proportion to their representation in the market. In so doing, the division may use either of the following purchasing methods for awarding requisitions to those socially disadvantaged businesses designated by the commissioner as targeted group businesses.

A. When it is likely that three competitive bids will be obtained from certified targeted group small businesses, the requisition may be set aside for bidding only by those businesses.

(1) The division shall include a statement on the invitation to bid informing all vendors that the bid is set aside for bidding only by certified targeted group small businesses.

(2) The division shall reject any bid by a business not certified as a targeted group small business.

(3) Where there are no bids or no acceptable bids, unsatisfactory bids, if any, will be recorded and the requisition shall be rebid.

B. A certified targeted group small business may be awarded up to a six percent preference in the amount bid over the lowest responsible bid from another vendor.

(1) The division shall include a statement on the invitation to bid informing all vendors that certified targeted group vendors will receive a preference in the amount bid and the amount of the preference to be awarded.

(2) When the lowest acceptable bid from a certified targeted group small business is within six percent of the lowest acceptable bid from another vendor, award shall be made to the lowest responsible certified targeted group small business.

(3) When there is no acceptable bid from a certified targeted group small business within six percent of the lowest acceptable bid from another vendor, award shall be made to the lowest responsible vendor.

1230.1820 REQUIRED SUBCONTRACTING FOR CONSTRUCTION, CONSULTING, OR PROFESSIONAL OR TECHNICAL SERVICES.

Subpart 1. Goal setting. The division may set goals that require prime contractors to subcontract a portion of any contract for construction, consulting, or professional or technical services to targeted group small businesses.

A. Goals for subcontracting will depend on the type of work involved and the availability of certified, willing, and able targeted group small businesses open to subcontracts from the prime contractor.

B. Credit toward the goal established for the contract shall be at 100 percent for subcontractors who provide labor, materials, and supplies and at 60 percent for subcontractors who provide supplies and materials only.

Subp. 2. Subcontracting. No contractor receiving a subcontract under this program shall in turn subcontract more than 25 percent of the contract dollar amount. A targeted group small business may exceed the 25 percent limitation if the awarded subcontract is to another targeted group small business.

Subp. 3. Waivers. Prime contractors may obtain waivers from the normal subcontracting goals according to the following procedure:

A. The invitation to bid or request for proposals may as one of the conditions of contract waive subcontracting requirements for all or specific specialties based on the division's determination of sufficient availability of certified targeted group subcontractors for the specialties involved.

B. The prime contractor may request a waiver for some or all specialties based on a documented unsuccessful effort to obtain certified targeted group subcontractors. The request for waiver with documentation showing the effort and steps taken to secure certified targeted group subcontractors and the results thereof shall accompany the bid response, unless the invitation to bid specified a period after bid opening, not to exceed 72 hours, where documentation of efforts and steps taken to secure certified targeted group subcontractors will be permitted.

C. After the award and the commencement of the project, a prime contractor may request a waiver for a specific specialty if the certified targeted group subcontractor cannot or will not fulfill the subcontract and no suitable alternative subcontractor is available so as to prevent significant project delay. Failure to use the certified targeted group subcontractors specified at the time of award without a grant of waiver will invoke a penalty as outlined in subpart 4.

Subp. 4. Incentives and penalties. Bid documents will state whether or not the incentive rule applies for the project being bid. If so,

A. Prime contractors who exceed the established goal on a given project for use of certified targeted group subcontractors by more than three percent may be awarded a financial incentive over and above the awarded bid price, the incentive to be determined in the following manner:

(1) Contracts qualifying for incentive clauses may be prime contracts at \$50,000 or higher in which the goal for subcontractor

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use has been set at one percent or higher. The maximum goal qualifying for incentives may not exceed 25 percent. Contracts between \$2,000 and \$50,000 may qualify for incentive clauses if the approved goal percentage applied to the estimated project cost will provide a minimum of \$500 in potential subcontracting awards.

(2) A monetary incentive over and above the awarded contract price shall be paid to the prime contractor upon documented proof of actual use of certified targeted group subcontractors on the project in excess of three percent of the goal set for that project. The monetary incentive in any case shall not exceed six percent of the awarded project price, or \$60,000 at the maximum. The form of documented proof shall be specified in the award agreement.

(3) The actual amount of incentive to be paid shall be calculated by the following formula:

(a) subtract the established goal plus three percent from 25 percent;

(b) divide six percent of the project or \$60,000, as appropriate, by the number of percentage points in unit (a); and

(c) multiply the result of unit (b) by the number of percentage points exceeding goal plus three percent.

(4) The provisions of subitems (1), (2), and (3), shall be applicable to all prime contractors and shall also apply to certified targeted group contractors acting as prime contractors if the awarded contract was not gained through preference or set-aside bidding procedures.

B. Prime contractors who have been awarded a contract and fail to meet the project goal for certified targeted group subcontractor use without approved waiver shall be penalized up to six percent of the total project value, not to exceed \$60,000. The penalty to be assessed will be proportionate to the actual underuse of certified targeted group subcontractors as compared to the project goal. The contractor involved shall be notified in writing of the proposed penalty and the reasons for the penalty. Within 15 calendar days of receipt of the notice the contractor may request a hearing before the director or the director's designee. The director may uphold, modify, or reject the penalty. The decision of the director may be appealed within 30 calendar days to the commissioner. If there are facts in dispute, the commissioner may refer the matter to the Office of Administrative Hearings for a contested case hearing under *Minnesota Statutes*, sections 14.57 to 14.62, or, if feasible, may affirm or reject the director's decision.

C. Prime contractors who fail to meet the project goal without waiver for a project to be awarded and are the apparent low bidder shall have a penalty of up to six percent, not to exceed \$60,000, added to their total project bid to determine responsible low bidder when other prime contractors have submitted bids that meet the specified targeted goal. The penalty to be added shall be proportionate to the underuse determined in the bid proposal as compared to the announced project goal.

D. The division reserves the right to cancel the request for bid or proposals and rebid the project when all bidders submit proposals which do not meet the announced goal and the evidence available to the division indicated sufficient responsible certified targeted group subcontractors are willing and able to do the work.

1230.1830 PREFERENCE PROCUREMENTS FROM ECONOMICALLY DISADVANTAGED SMALL BUSINESSES.

A certified economically disadvantaged small business may be awarded up to a four percent preference in the amount bid over the lowest responsible bid from another vendor.

A. The division shall include a statement on the invitation to bid informing all vendors that certified economically disadvantaged vendors will receive a preference in the amount bid and the amount of the preference to be awarded.

B. When the lowest acceptable bid from a certified economically disadvantaged small business is within four percent of the lowest acceptable bid from another vendor, award shall be made to the lowest responsible certified economically disadvantaged small business.

C. When there is no acceptable bid from a certified economically disadvantaged small business within four percent of the lowest acceptable bid from another vendor, award shall be made to the lowest responsible vendor.

D. When the division awards both a preference to a certified targeted group small business and a preference to a certified economically disadvantaged small business on the same requisition, the lowest acceptable bid shall be determined by deducting the preference percent awarded from the acceptable bid by the certified small business.

1230.1850 REMOVAL FROM ELIGIBILITY LISTS OR DIRECTORY OF CERTIFIED BUSINESSES.

Subpart 1. Removal for failure to fulfill contract. A business shall be removed from the bid eligibility lists and shall be ineligible to be awarded contracts when it fails to satisfactorily fulfill the terms and conditions of a contract as specified in parts 1230.1000 and 1230.1100.

Subp. 2. Reinstatement. An otherwise eligible business that was removed from the the bid list under this subpart may apply for reinstatement and participation in the preference program according to part 1230.1175.

Subp. 3. Removal from certified directory when a business no longer qualifies. A business shall be removed from the certified directory and will no longer be eligible for bidding on any set-aside or preference contract when the business no longer qualifies for

these preference program under Minnesota Statutes, section 16B.22, and parts 1230.1400 to 1230.1910. Notice of removal and the reasons for removal shall be given in writing to the business by the division. Removal is effective upon receipt of the notice by the business. When removal is for loss of status as an economically disadvantaged area, the business shall remain eligible for 120 days after certified small businesses in the area are notified of the termination of the status by the division.

Subp. 4. Appeal of removal. When a business is removed from the certified directory under subpart 3, the business may appeal the removal and disqualification to the commissioner of administration in writing within 15 calendar days of the receipt of the notice of removal. Receipt of the appeal shall be acknowledged by the commissioner in writing within 15 calendar days of receipt. The commissioner shall request that the business choose either an informal review of the disqualification under item A or a formal review under item B if facts of the matter are in dispute.

A. Under an informal review process, the Small Business Procurement Advisory Council shall consider whether the decision to remove a business from the certified directory was reasonable and whether the removal is in compliance with subpart 3. The council will review the facts presented by the business and the division. Within 45 calendar days of the council's receipt of a request for review, the council shall recommend that the commissioner take one of the following actions:

(1) reinstate the business to the certified directory;

(2) affirm the removal of the business; or

(3) refer the matter to the Office of Administrative Hearings for a contested case hearing under Minnesota Statutes, sections 14.57 to 14.62.

The council's recommendation to the commissioner shall be in writing and include the reasons for its decision. The commissioner shall consider the recommendation and make a final decision on the matter within 15 calendar days of receiving the council's recommendation. The commissioner shall include written reasons for the decision.

B. Within 30 calendar days after a request by the business or the council for formal review, the commissioner will initiate a contested case hearing under Minnesota Statutes, sections 14.57 to 14.62, by filing a request for assignment of an administrative law judge with a notice of an order for hearing. When the commissioner receives the report of the administrative law judge, the commissioner shall forward the report to the Small Business Procurement Advisory Council for its review, and the council shall, within 45 days, make its recommendation. The commissioner shall make a final decision on each appeal.

1230.1860 LIMITS TO PROGRAM PARTICIPATION.

To ensure equitable distribution of awards and reduce the dependency of any given business on state awards for a major part of its annual revenues, the following limitations apply:

A. Eligibility for participation in preference or set-aside provisions of this program shall be temporarily suspended, for the fiscal year only, for any certified economically disadvantaged small business when the total awards under these program to that business exceed three-tenths of one percent of the total anticipated awards. These limitations shall be applied individually and not in the aggregate by the agencies covered under the statute, the Department of Administration, the Department of Transportation, and the University of Minnesota.

B. Eligibility for set-aside or preference for a specific business shall be terminated when the annual review of financial statements or the cumulative record of awards compiled by the division from reports submitted by agencies covered under the statute indicate that any of the following conditions exist:

(1) more than an average of 80 percent of the business's gross revenues or sales are attained through preference or set-aside awards during the second and third years of participation in the program;

(2) for years four and five, the limitation average shall be 50 percent of gross annual revenues or sales;

(3) for years six and beyond, the limit shall not exceed 40 percent.

There will be no limit on awards acquired through the normal competitive bid process at any time.

C. No business shall be permitted to participate in the preference and set-aside programs indefinitely. A business will not be certified but will graduate from the preference and set-aside programs when one of the following circumstances exists:

(1) if certified under part 1230.1700 according to Minnesota Statutes, section 16B.19, subdivision 2b, designation of targeted groups, and a new study conducted by the commissioner of administration finds the original conditions defining eligibility and certification no longer exist;

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(2) demographic statistics justify loss of status as a labor surplus area, a 70 percent median income county, or a disadvantaged area; or

(3) the business has captured a proportionate share in its market for assets employed, by the following averages:

(a) 200 percent in year one;

(b) 175 percent in years one and two;

(c) 150 percent in years one, two, and three;

(d) 125 percent in years two, three, and four;

(e) 125 percent in years three, four, and five, or any three consecutive years thereafter.

1230.1900 GENERAL TERMS AND CONDITIONS.

Subpart 1. **Inability to perform.** ~~A An eligible business which, if offered an award, that finds that it cannot produce, supply, or construct according to the bid terms and conditions of a contract for reasons beyond its control shall, within seven calendar days after receipt of notice as low bidder, immediately notify the division of Procurement in writing of the reasons therefor. When the commissioner of administration finds determines that the low bidder business is unable to perform for the reasons stated, the division shall notify the Department of Trade and Economic Development shall be notified by the Division of Procurement in accordance with Minnesota Statutes, section 46B.20, so that the commissioner of trade and economic development can assist the small business in attempting to remedy the causes of the inability to perform. The division shall notify the business of the referral to the Department of Trade and Economic Development and the notice shall include a statement that any records of the Department of Trade and Economic Development in assisting the small business may be discoverable in a contested case or judicial procedure. Failure to enter into the a contract or, to accept an offered award, or to satisfactorily complete a contract for documented reasons beyond its control will not automatically disqualify a business from further bidding. The records of the Procurement Division shall show the reason(s) for such failure.~~

A. The division may, if circumstances permit, delay an award or completion of a contract to allow the commissioner of the Department of Trade and Economic Development to provide assistance or to allow the business to remedy the business's inability to perform. If the division decides that delay is inappropriate because of the nature of the bid or contract, the division may seek other solutions. The decision to proceed shall not be prejudicial to the record of the business in question.

B. Failure of the business in question to reasonably cooperate with either the division or the Department of Trade and Economic Development shall be considered a failure to fulfill the terms of a contract and shall be handled according to parts 1230.1000 and 1230.1100. The records of the division shall document the actions taken relative to each case of inability to perform handled under this subpart.

Subp. 2. to 4. [See repealer.]

Subp. 5. **Dividing bid invitations.** ~~The director of the division of Procurement may shall divide bid invitations by dollar amounts, units of production, or duration of contract to facilitate awarding set-aside or preference contracts to business in the set-aside program where economically feasible.~~

Subp. 6. [See repealer.]

Subp. 7. **Annual reporting requirement.** ~~The following reporting requirements apply to the socially disadvantaged or economically disadvantaged area small business programs:~~

A. Businesses eligible to participate in these programs shall, within 30 calendar days of a request by the division, verify information on file with the division for that business, make any necessary changes, and submit a complete financial statement to the division. The information on file with the division will include:

(1) the name and address of the applicant and its principal place of business;

(2) the applicant's gross revenues in the most recently completed fiscal year;

(3) whether the applicant's business is an affiliate or subsidiary of a business dominant in its field of operation;

(4) a listing of all owners, including percentage of ownership, and all officers of the applicant, with full disclosure of all owners' and officers' direct and indirect involvement in other businesses and enterprises that are in the same field of operation as the applicant, unless ownership is by common stock regularly bought and sold through recognized exchanges; and

(5) all other relevant or supporting information necessary for verifying status resulting in eligibility under certification procedures if requested in writing by the division, before or after the annual reporting requirement date.

B. Failure to provide the information required by item A may result in removal of the noncomplying business from the certified directory.

1230.1910 CONSULTANT, PROFESSIONAL, AND TECHNICAL PROCUREMENTS.

Subpart 1. Applicability. Parts 1230.1400 to 1230.1910 apply to the award of consultant, professional, and technical procurements under Minnesota Statutes, section 16B.19, subdivision 2.

Subp. 2. Awards. Division certification is not required for individuals who provide consultant, professional, or technical services and who are not organized as a business, corporation, partnership, proprietorship, or other recognized business structure. An individual person may be awarded contracts under Minnesota Statutes, section 16B.19, subdivision 2, provided that the contracting agency maintains records stating that the individual meets the terms governing socially or economically disadvantaged area persons established in part 1230.0150, subparts 24 and 26, and reports the awards in the format required by the division.

REPEALER. Minnesota Rules, parts 1230.0200; 1230.0400, subparts 1 and 3; 1230.0700, subpart 2; 1230.1500; 1230.1700, subparts 2 and 3; 1230.1800; 1230.1900, subparts 2, 3, 4, and 6; 1230.2000; 1230.2100; 1230.2200; and 1230.2300, are repealed.

Department of Health

Proposed Permanent Rules Relating to Family Planning Special Project Grants

Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Department of Health (hereinafter "Department") is hereby giving notice of its intent to adopt rule amendments without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1990). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1990), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing on the proposed rule amendments pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990). The hearing will be cancelled if 25 or more people do not request that one be held. The hearing will also be cancelled if a sufficient number of people withdraw their requests for a hearing. With the comment period closing on Friday, May 3, 1991, there will be 10 days before the scheduled hearing date which is Monday, May 13, 1991. This 10-day period will give interested persons ample time to contact the Department to find out whether the hearing will be cancelled and to plan accordingly.

II. Notice of Intent to Adopt Rule Amendments Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rule amendments without a public hearing unless 25 or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1990).

Interested persons shall have until May 3, 1991 to submit comments in support of or in opposition to the proposed rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments being addressed, the reason for the comment, and any change proposed to the rule amendments by the comment. The proposed rule amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing, during the comment period, that a hearing be held on the proposed rule amendments. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any changes they want made to the proposed rule amendments. If a person desires that a hearing be held on only a portion of the proposed rule amendments, it is requested that the Department be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendments or a portion thereof by May 3, 1991. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and the hearing notice provided in Part III below.

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Comments or written requests for a public hearing should be submitted to: Erica Fishman, Minnesota Department of Health, Maternal and Child Health Technical Services, 717 Southeast Delaware Street, P.O. Box 9441, Minneapolis, MN 55440, (612) 623-5267.

The statutory authority of the Department to adopt the proposed rule amendments is contained in *Minnesota Statutes* §§ 144.05, 144.12, and 145.925.

If adopted, the proposed rule amendments will impact on the process for determining how the grants will be awarded and the amounts of the grants. A copy of the proposed rule amendments is attached to this Notice. The proposed rule amendments will also be published in the *State Register* issue of April 1, 1991, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Erica Fishman at the address or telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Department by writing or telephoning Erica Fishman at the address or telephone number listed above.

Promulgation of the proposed rule amendments will not result in the expenditure of more than \$100,000 in public monies by local public bodies for the two years immediately following adoption of the rule amendments nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Department that it is subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990), for reducing the impact of the proposed rule amendments, are addressed in the statement of need and reasonableness.

Pursuant to *Minnesota Statutes* § 14.115, subd. 4 (1990), it is the Department's position that the quantitative and qualitative impact of the proposed rule amendments will be solely beneficial. The primary basis for this position is that the basic purpose of the rules is to govern the process used for determining which governmental agencies or private, nonprofit corporations are eligible for family planning special project grants. Instead of placing limits or mandatory requirements on businesses which will result in the expenditure of funds in order to comply with them, these rules will help agencies and businesses obtain money. While some applicants will expend the resources to apply for grants and not receive them, that expense is relatively minimal and one which cannot be avoided as the Department must require the submission of relevant data in order to judge which applicants qualify for grants. In this rulemaking proceeding, the rules governing the contents of an application are not being amended; instead, only the rules which control the review of applications and the distribution of funds are under consideration. Thus, those agencies and businesses which apply but do not qualify for grants are not affected by the amendments. If a hearing is held on these rule amendments, testimony will be received on the impact of them on small businesses.

If no hearing is required, upon adoption of the rule amendments, the rule amendments as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule amendments as adopted, and a statement explaining any differences between the rule amendments as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Erica Fishman at the address listed above.

III. Notice of Intent to Adopt Rule Amendments With a Public Hearing if 25 or More Persons Request a Hearing

PLEASE NOTE: that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rule amendments within the comment period pursuant to the notice given in part II above, a hearing will be held on May 13, 1991, in accordance with the following notice of public hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* § 14.131 to 14.20 (1990), and *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1989) in the Chesley Room of the Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota on Monday, May 13, 1991, commencing at 9:30 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Steve M. Mihalchick, Administrative Law Judge, Office of Administrative Hearings, Fifth Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 349-2544. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. Any written material

or responses submitted must be received at the office no later than 4:30 p.m. on the final day. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule amendments will impact on the process for determining how the grants will be awarded and the amounts of the grants. A copy of the proposed rule amendments is attached to this Notice. The proposed rule amendments will also be published in the *State Register* issue of April 1, 1991, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Erica Fishman at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Department to adopt the proposed rule amendments is contained in *Minnesota Statutes* §§ 144.05, 144.12, and 145.925.

The proposed rule amendments may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule amendments are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the Ethical Practices Board. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

PLEASE NOTE that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the rule amendments for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rule amendments are adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendments are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rule amendments with the Secretary of State.

Promulgation of these proposed rule amendments will not result in the expenditure of more than \$100,000 in public monies by local public bodies for the two years immediately following adoption of the rule amendments nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Department that it is subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990) for reducing the impact of the proposed rule amendments are addressed in the statement of need and reasonableness.

Pursuant to *Minnesota Statutes* § 14.115, subd. 4 (1990), it is the Department's position that the quantitative and qualitative impact of the proposed rule amendments will be solely beneficial. The primary basis for this position is that the basic purpose of the rules is to govern the process used for determining which governmental agencies or private, nonprofit corporations are eligible for family planning special project grants. Instead of placing limits or mandatory requirements on businesses which will result in the expenditure of funds in order to comply with them, these rules will help agencies and businesses obtain money. While some applicants will expend the resources to apply for grants and not receive them, that expense is relatively minimal and one which cannot be avoided as the Department must require the submission of relevant data in order to judge which applicants qualify for grants. In this rulemaking proceeding, the rules governing the contents of an application are not being amended; instead, only the rules which control the review of applications and the distribution of funds are under consideration. Thus, those agencies and businesses which apply but do not qualify for grants are not affected by the amendments. At the hearing on these rule amendments, testimony will be received on the impact of them on small businesses.

IV. Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

PLEASE NOTE: that the hearing, notice of which is given in Part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in part II above. Also, the hearing will be cancelled if a sufficient number of people withdraw their request for a hearing in response to proposed revisions of the proposed rule amendments by the department

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Proposed Rules

To be informed whether the hearing noticed in Part III above will be held, please telephone Erica Fishman at the telephone number listed above in Part II of this Notice before May 3, 1991, and leave your name, address, and telephone number. You will be notified if the hearing has been cancelled. You may also telephone Erica Fishman after May 3, 1991, for oral confirmation regarding the scheduled hearing.

Dated: 15 March 1991

Mary Jo O'Brien
Deputy Commissioner of Health

Rules as Proposed

4700.1900 PURPOSE, SCOPE, AND APPLICABILITY.

The purpose and scope of parts 4700.1900 to ~~4700.2550~~ 4700.2500 is to prescribe requirements applicable to family planning special project grants, to establish minimum standards for family planning services supported in whole or in part by family planning special project grant funds, and to provide criteria for the review of family planning special project grant applications. ~~The following parts of parts 4700.0100 to 4700.1800 and no others also apply to family planning special project grants: parts 4700.0100; 4700.0200; 4700.0300; 4700.0400; item C; 4700.0500; 4700.0600; 4700.0700; 4700.0800; items A and B; 4700.0900; 4700.1000; 4700.1100; items C and E; 4700.1300; 4700.1400; items A to E; subitems (1), (4), (5); and (6); 4700.1500; and 4700.1700.~~

Minnesota Statutes, section 145.925, contains a provision prohibiting use of these funds for abortions, and for family planning services to unemancipated minors in an elementary or secondary school building; requiring notice to parents or guardians of unemancipated minors to whom abortion or sterilization is advised, except as provided in *Minnesota Statutes*, sections 144.341 and 144.342; and prohibiting coercing anyone to undergo an abortion or sterilization.

4700.2000 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4700.1900 to 4700.2500, the following terms have the meanings given them in this part.

Subp. 2. **Approvable application.** "Approvable application" means an application which meets the criteria for award, as specified in part 4700.2300.

Subp. 3. **Community health board.** "Community health board" means a board of health established, operating, and eligible for a subsidy under *Minnesota Statutes*, sections 145A.09 to 145A.13.

Subp. 4. **Current award.** "Current award" means the amount of family planning special project grant funds received in the year immediately preceding the one for which a new grant of family planning special project funds is requested.

Subp. 5. **Current recipient.** "Current recipient" means an agency receiving family planning special project grant funds in the year immediately preceding the one for which a new grant of family planning special project funds is requested.

Subp. 6. **Family planning.** "Family planning" means voluntary planning and action by individuals to attain or prevent pregnancy.

~~Subp. 2-7.~~ Subp. 7. **Family planning methods.** "Family planning methods" means agents and devices for the purpose of fertility regulation prescribed by a licensed physician, and other agents and devices for the purpose of fertility regulation including, spermicidal agents, diaphragms, condoms, oral contraceptives, intrauterine devices, natural family planning methods, sterilizations, and the diagnosis and treatment of infertility by a licensed physician, which can be paid for in whole or in part by family planning special project grant funds.

~~Subp. 3-8.~~ Subp. 8. **Family planning services components.** "Family planning services components" means the public information, outreach, counseling, method, referral, and follow-up categories under which all services provided by family planning service providers must be described. The minimum standards in part 4700.2210 serve to define these components.

~~Subp. 4-9.~~ Subp. 9. **High risk person.** "High risk person" means an individual whose age, health, prior pregnancy outcome, or socioeconomic status increases her chances of experiencing an unplanned pregnancy or problems during pregnancy. High risk persons include, but are not limited to, women under 18 or over 35; women who have experienced premature labor and delivery; women with existing health problems such as diabetes, anemia, and obesity; and persons whose individual or family income is determined to be at or below 200 percent of the official income poverty line as defined by the Federal Office of Management and Budget and revised annually in accordance with according to United States Code, title 42, section 9902, as amended through December 31, 1982. The official income poverty guideline is published as provided by, by the Federal Office of Management and Budget and revised annually in the Federal Register, volume 50, page 9517 (1985). A copy of the most current guideline is available from the Office of Planning and Evaluation, Department of Health and Human Services, Washington, D.C., 20201, (202) 245-6141.

~~Subp. 5-10.~~ Subp. 10. **Linkages.** "Linkages" means formal or informal arrangements between the applicant and other family planning providers including contracts, reciprocal referral agreements, and committees.

Subp. 11. **New applicant.** "New applicant" means an agency which did not receive family planning special project funds in the year immediately preceding the one for which a grant of family planning special project funds is requested.

Subp. 6- 12. **Provide**. "Provide" means to directly supply or render or to pay for in whole or in part.

Subp. 7- 13. **Publicly subsidized**. "Publicly subsidized" means funded by federal, state, county, or city tax dollars, but does not include title XIX of the Social Security Act medical assistance funds.

Subp. 14. **Region**. "Region" means that group of counties represented by a single person on the executive committee of the State Community Health Advisory Committee. The counties in each region are as follows:

Northeastern

Aitkin
Carlton
Cook
Itasca
Koochiching
Lake
Saint Louis

Northwestern

Becker
Beltrami
Clearwater
Hubbard
Kittson
Lake of the Woods
Mahnomen
Marshall
Norman
Pennington
Polk
Red Lake
Roseau

West Central

Clay
Douglas
Grant
Otter Tail
Pope
Stevens
Traverse
Wilkin

Central

Benton
Cass
Chisago
Crow Wing
Isanti
Kanabec
Mille Lacs
Morrison
Pine
Sherburne
Stearns
Todd
Wadena
Wright

Metro

Anoka
Carver
Dakota
Hennepin
Ramsey
Scott
Washington

South Central

Blue Earth
Brown
Faribault
Le Sueur
McLeod
Martin
Meeker
Nicollet
Sibley
Waseca
Watonwan

Southeastern

Dodge
Fillmore
Freeborn
Goodhue
Houston
Mower
Olmsted
Rice
Steele
Wabasha
Winona

Southwestern

Big Stone
Chippewa
Cottonwood
Jackson
Kandiyohi
Lac Qui Parle
Lincoln
Lyon
Murray
Nobles
Pipestone
Redwood
Renville
Rock
Swift
Yellow Medicine

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Proposed Rules

4700.2100 CONTENT OF APPLICATION.

The application shall identify the geographic area to be served by the applicant and shall provide the following required information:

[For text of items A and B, see M.R.]

C. A description of the family planning service components to be provided by the applicant. Each component to be provided with family planning special project funds must meet the standards for that component described in part ~~4700.2200~~ 4700.2210. The application must include a budget and budget justification and summary of applicable training or experience of persons providing services relevant to these components. Also, for each component provided, the application must describe:

- (1) the goals;
- (2) the population to be served (target population);
- (3) the specific objectives to be achieved during the funding period;
- (4) the methods by which each objective will be achieved; and
- (5) the criteria to be used to evaluate the progress towards each objective.

[For text of items D to K, see M.R.]

4700.2300 CRITERIA FOR AWARD OF FAMILY PLANNING SPECIAL PROJECT GRANTS.

Subpart 1. **Application criteria.** Applications which meet the requirements of law and these rules parts 4700.1900 to 4700.2500 shall be awarded in accordance with deemed approvable applications and eligible for award according to the notice of availability as specified in part 4700.0500, procedures specified in part 4700.0900, and the following criteria.

Subp. 2. [See repealer.]

Subp. 3. **Quality and content.** Applications will be evaluated on the basis of:

- A. ~~part 4700.1100, items C and E;~~
- ~~B.~~ the extent the funds will be used to meet unmet needs in the geographic area as identified in the application;
- ~~C.~~ B. the extent the application proposes an identifiable expansion in the scope of the family planning service system in the geographic area to be served by the applicant;
- ~~D.~~ C. the extent the application proposes to coordinate family planning services with organizations, agencies, and individual providers in the geographic area to be served;
- ~~E.~~ D. the extent the application proposes to serve high risk persons; ~~and~~
- ~~F.~~ E. the extent the application proposes to maximize use of alternative sources of funding; ~~and~~
- F. the extent the application proposes to provide family planning methods according to part 4700.2210, item D.

Subp. 4. **Agency.** When equivalent and competing applications are submitted for a geographic area, award priorities will be in accordance with the following:

- A. first priority will be given to ~~local~~ community health boards of health; and
- B. second priority will be given to eligible nonprofit corporations.

Subp. 4a. **Priority.** Current recipients of family planning special project funds will not be accorded any priority over new applicants.

Subp. 5. **Review and comment by community health board of health.** ~~Prior to~~ Before submission to the commissioner, the applicant shall submit the proposal to the community health board of health as defined in Minnesota Statutes, section 145A.02, subdivision 2 responsible for the geographic area in which the applicant proposes to provide its services, for the community health board's review and comment. The community health board's comments shall address the application based on the criteria in subpart 3. Any comments of a community health board of health shall be submitted to the commissioner within 45 days of the date the proposal was received by the community health board of health.

4700.2410 ALLOCATION SCHEME.

Subpart 1. **Family planning hotline grant.** Five percent of the total annual funds available or \$100,000 per year, whichever is less, must be allocated for a statewide family planning hotline. Applications must contain identifiable plans and budget allocations for both the operation of the hotline and its promotion statewide. If the grant award is not for the full amount of funds allocated under this subpart, the funds remaining must be reallocated for distribution under subpart 2.

Subp. 2. **Family planning services grants.** The portion of the total funds remaining after the distribution made under subpart 1 must be allocated according to this subpart. Except as provided in part 4700.2420, subpart 4, the family planning special project grant funds must be allocated on a regional basis according to the following needs-based distribution formula.

A. Determine the regional need by totaling the following three factors:

(1) the number of resident women within the region who are 12 to 18 years of age, determined by using Department of Health data from the most recent year for which it is available;

(2) the number of resident women within the region 19 to 34 years of age who are on medical assistance as determined by using Department of Human Services data from the most recent year for which it is available; and

(3) the number of resident women within the region who are 35 to 44 years of age as determined by using Department of Health data from the most recent year for which it is available.

B. Compute the regional proportion of the total state need for services by totaling the three factors in item A for each region and dividing each regional total by the sum of the three factors for the entire state.

C. Calculate the amount of family planning special project grant funds available for each region by multiplying its regional proportion by the total amount of money available for family planning special projects under this subpart.

4700.2420 FAMILY PLANNING SERVICES GRANT FUNDING.

Subpart 1. Funding limit. If the total funds available for distribution under part 4700.2410, subparts 1 and 2, are \$2,200,000 per year or less, an applicant, other than one for a family planning hotline grant, with an approvable application who is also a current recipient of family planning special project grant funds shall be limited to an annual application request of \$40,000 or its current award, whichever is greater. A new applicant with an approvable application shall be limited to an annual request of \$40,000. If the funds available for distribution exceed \$2,200,000 per year, the funding limit shall increase by a percentage equal to half the percentage increase in the amount of total funds available for distribution.

Subp. 2. Grant allocations. The applications, other than those for a family planning hotline grant, must be ranked in order within each region from highest to lowest based on the criteria for award in part 4700.2300. The applications must be funded in rank order from highest to lowest until all available funds for the region are allocated. An applicant may submit applications for more than one region; however, the total funding requested by one applicant for all regions shall not exceed the funding limit of subpart 1.

Subp. 3. Funding awards. If the amount requested by any applicant is more than that reasonably required to provide the proposed services, or if the proposed services are not based on part 4700.2210 or 4700.2300, the commissioner must either deny funding or award less than the amount the applicant requested. When the commissioner decides to award less than requested, the applicant must submit a revised description of the target population, methodologies, budget, or budget justification as required by the commissioner to receive funding.

Subp. 4. Contingency funding. If any of the conditions in items A to D exist, the commissioner shall redistribute the funds according to this subpart.

A. If funds remain available in a region after all approvable applications are funded according to this part, the commissioner shall redistribute the funds to the other regions, proportional to their share of funding need, based upon the process stated in part 4700.2410, subpart 2. The redistributed funds shall be awarded according to subpart 2.

B. Funds remaining available after all approvable applications are funded at the funding limit in subpart 1, and awarded according to subpart 2, will be proportionally distributed to all applicants with approvable applications. In order to receive additional funds, an applicant with an approvable application must submit a revised description of the target population, objectives, methodologies, budget, and budget justification to the commissioner within 60 days after receiving notice of the availability of additional funds.

C. If the department funds for family planning special project grants are increased after awards have been made under part 4700.2410, subpart 1, or 4700.2420, subparts 2 to 4, funds must first be allocated to the family planning hotline grant recipient within the funding limits specified in part 4700.2410, subpart 1. Remaining funds must then be distributed to the regions proportional to their share of funding need as determined according to part 4700.2410, subpart 2, and awarded according to part 4700.2420, subparts 2 to 4.

D. If department funds for family planning special project grants are reduced after awards have been made under this subpart or subpart 2 and part 4700.2410, subpart 1, all awards must be reduced proportionate to the department's reduction in these funds. A grant award recipient must submit a revised description of the target population, objectives, methodologies, budget, and budget justification to the commissioner within 60 days after receiving notice of reduced awards.

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Proposed Rules

4700.2500 USE OF STATE FUNDS AVAILABLE FOR FAMILY PLANNING SPECIAL PROJECT GRANTS.

Family planning special project grant funds recipients may not be used to supplant any replace funds from other sources, such as existing federal, state, or local funds which the recipient uses for family planning information or services and over which the recipient exercises discretion, with family planning special project grant funds. Applicants Recipients are not required to match funds available under family planning special project grants.

REPEALER. Minnesota Rules, parts 4700.2300, subpart 2; 4700.2400; and 4700.2550, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Revenue

Adopted Permanent Rules Relating to the Valuation and Assessment of Utilities

The rules proposed and published at *State Register*, Volume 15, Number 27, pages 1507-1511, December 31, 1990 (15 SR 1507) are adopted as proposed.

Executive Orders

Emergency Executive Order #91-8: Providing for a State Government Energy Policy and Conservation Plan

I, ARNE H. CARLSON, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, Minnesota state government spends more than \$60 million on energy for its buildings and vehicles; and

WHEREAS, Minnesota currently imports over 97 percent of its energy from other states and countries; and

WHEREAS, energy crises will continue to occur because of our dependence on others for an increasingly limited energy supply; and

WHEREAS, the environmental consequences of energy use and production are significant; and

WHEREAS, Minnesota's economy and quality of life depend on the wise and prudent use of energy; and

WHEREAS, our energy usage must be balanced with the potential environmental consequences of energy use and production; and

WHEREAS, protecting Minnesota's environment and ensuring reliable energy supplies for our own and future generations are primary concerns of the citizens of the state;

NOW, THEREFORE, I hereby order that a Governor's Energy and Environmental Planning Management Team be established:

1. The team shall be co-chaired by the commissioners of Administration and Public Service. Other members of the team shall include the commissioners of Human Services, Jobs and Training, Pollution Control, Natural Resources, State Planning, Transportation and Public Safety, the President of the University of Minnesota or his designee, and the Attorney General or his designee.

2. The team shall develop a state government energy policy and conservation plan by April 15, 1991. The plan shall include:

- (a) energy conservation goals for state government;
- (b) immediate actions that state government can take to aggressively reduce its energy use; and
- (c) long range energy conservation actions.

3. All state agencies and educational systems shall cooperate with the Energy and Environmental Planning Management Team in developing and implementing the plan.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, subdivision 2, this order is effective immediately and shall remain in effect until December 31, 1994, or rescinded by proper authority, whichever is earlier.

IN TESTIMONY WHEREOF, I have set my hand this eleventh day of March, 1991.



Arne H. Carlson
Governor

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Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Comprehensive Health Association will be held at 9:00 a.m. on Tuesday, April 9, 1991, at Prudential Insurance Company of America, 3701 Wayzata Boulevard, Minneapolis, Minnesota.

For additional information, please call 683-2150.

Ethical Practices Board

Advisory Opinion #108 re: Local Officials

Issued 3-8-91 to Susan A. Powers—SUMMARY—108. The governing body of a metropolitan governmental unit must designate the local official who will be responsible for administering economic interest and conflicts of interest disclosure by local officials serving therein. The determination of whether the holder of a public position is a "local official" within the meaning of *Minnesota Statutes* § 10A.01, subd. 25 (1990), resides with the governing body of a metropolitan governmental unit.

The full text of the opinion is available upon request from the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-5148.

Department of Finance

Maximum Interest Rate for Municipal Obligations in April

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, John Gunyou, announced today that the maximum interest rate for municipal obligations in the month of April, 1991 would be nine (9) percent per annum.

Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Peter Sausen
Assistant Commissioner
Cash & Debt Management

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society will be held on Wednesday, April 10, 1991, at the James J. Hill House, 240 Summit Avenue, St. Paul, Minnesota. The Preservation Office staff will make an informational presentation on program activities at 5:30 p.m. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:00 p.m. For further information contact the State Historical Preservation Office, Minnesota Historical Society, Fort Snelling History Center, St. Paul, MN 55111, (612) 726-1171.

Department of Human Services

Children's Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Administration and Provision of Child Protective Services by Local Social Service Agencies

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the administration and provision of child protective services by local social service agencies, *Minnesota Rules*, parts 9560.0210 to 9560.0234. The amendment of the rule is authorized by *Minnesota Statutes*, sections 256.01, subdivisions 2 and 12, which give the commissioner authority to administer and supervise all child welfare activities, as well as require local agencies to establish local child mortality review panels; 256E.05, subdivision 1, which gives the commissioner supervisory authority over community social services administered by counties; 257.175, which authorizes the commissioner to promote the enforcement of all laws for the protection of neglected children; and 393.07, which assigns the commissioner supervisory authority over the child public welfare program, including the responsibility to assist in carrying out the child protection responsibilities of the state.

Amendments will clarify and update definitions; clarify basic requirements local agencies must follow for non-emergency assessments and protective intervention; require that representatives from local agencies and law enforcement accompany child protection workers to interview children when a report of maltreatment alleges malicious punishment, or neglect or endangerment of a child; clarify that when local agencies provide protective intervention, agencies evaluate the risks to the children in the home; clarify placement preferences; clarify that local agencies may give notice to a parent, guardian or legal custodian of children who have been in the care of a facility under investigation, or interview children who have been in the care of a facility under investigation; require that local agencies make determinations that maltreatment occurred in the family or facility if a preponderance of the evidence shows a child has suffered maltreatment; require that within ten working days of the conclusion of agencies' determinations that maltreatment occurred within a family, local agencies shall notify the parent or guardian of the determination, and within ten working days of the conclusion of a determination that maltreatment occurred within a facility, local agencies shall notify the person alleged to be maltreating the child, the director of the facility, and the parent or guardian of the child; simplify the elements needed in a plan of protective services, require that the plan be implemented within 30 days of completion of the assessment, and require child protection workers to work with the family unit, foster parents, custodians, guardian ad litem and, if appropriate, tribal representatives; delete the requirement that local agencies use a risk assessment tool for facility assessments; require case workers and families to meet to jointly assess a plan of protective services, and allow use of a risk assessment tool; require that counties establish multidisciplinary child protection teams; and authorize the commissioner to require local agencies to establish local child mortality review panels.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Stephanie L. Schwartz
Rules and Bulletins Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3816

Oral statements will be received during regular business hours over the telephone at 297-4302 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 18 March 1991

Stephanie Schwartz
Rules & Bulletins Division

Department of Human Services

Division for Persons with Developmental Disabilities

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing the Use of Aversive and Deprivation Procedures in Licensed Facilities Serving Persons With Mental Retardation and Related Conditions, *Minnesota Rules*, Parts 9525.2700 to 9525.2810

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of *Minnesota Rules*, parts 9525.2700 to 9525.2810, governing the use of

Official Notices

aversive and deprivation procedures in licensed facilities serving persons with mental retardation and related conditions. The proposed amendments include revisions to the following *Minnesota Rule* parts: (1) part 9525.2720-exempted actions and procedures; (2) part 9525.2740, subpart 2-review and authorization for procedures not specified as exempted, restricted, prohibited, or controlled; (3) part 9525.2750-standards governing the use of controlled procedures in an individual service plan; (4) part 9525.2770-emergency use of controlled procedures; (5) parts 9525.2780, subpart 1-definition of "substantial change"; (6) part 9525.2870, subpart 2-when informed consent is required; (7) part 9525.2780, subpart 6-conditions governing implementation when consent is refused or withdrawn; (8) part 9525.2780, subpart 7-appeals; (9) part 9525.2790, subpart 3-duties and responsibilities of the regional review committees; (10) part 9525.2800-reporting noncompliance; and (11) part 9525.2810-penalty for noncompliance. The rule is authorized by *Minnesota Statutes*, section 245.825, which governs the use of aversive and deprivation procedures in all licensed facilities and licensed services serving persons with mental retardation or related conditions.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Laura Plummer, Rules and Bulletins Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816. Oral statements will be received during regular business hours over the telephone at 612/297-1217 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 25 March 1991

Laura Plummer
Rules and Bulletins Division
Department of Human Services

Department of Labor & Industry

Labor Standards Division

Notice of Prevailing Wage Determinations for Commercial Construction Projects

On April 1, 1991 the commissioner certified prevailing wage rates for commercial construction projects in the following Minnesota counties: **Blue Earth, Brown, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Jackson, Lac Qui Parle, Le Sueur, Lincoln, Lyon, Martin, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Sibley, Steele, Wabasha, Waseca, Watonwan, Winona, Yellow Medicine.**

Copies of the determined wage rates for Minnesota counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155, or calling (612) 296-6452. The charges for the cost of copying and mailing are \$1.00 for the first copy and \$.50 for any additional copies. Please note that the cost for one county varies according to the number of pages per county.

John Lennes, Commissioner
Department of Labor and Industry

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: A-V equipment
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: April 2
Agency: Center for Arts Education
Deliver to: Golden Valley
Requisition #: 25000-10552

Commodity: Book copier
Contact: John Bauer 296-2621
Bid due date at 2pm: April 8
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22730

Commodity: Tables
Contact: John Bauer 296-2621
Bid due date at 2pm: April 9
Agency: Community College
Deliver to: Brainerd
Requisition #: 02310-19070

Commodity: Concrete saw
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: April 3
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79382-02217

Commodity: Used 1991 Snowmobiles
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: April 8
Agency: Natural Resources Department
Deliver to: Grand Rapids
Requisition #: 29002-20792

Commodity: Crackfiller
Contact: Dale Meyer 296-3773
Bid due date at 2pm: April 10
Agency: Transportation Department
Deliver to: Various
Requisition #: Price contract

Commodity: Industrial sewing machines
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: April 3
Agency: Correctional Facility
Deliver to: Faribault
Requisition #: 78790-01870

Commodity: Hydraulic vehicle lift
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: April 8
Agency: Correctional Facility
Deliver to: Red Wing
Requisition #: 78760-02924-01

Commodity: Pottery equipment
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: April 11
Agency: Community College
Deliver to: Brainerd
Requisition #: 02310-19066

Commodity: Doors, hardware, frames, etc.
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: April 4
Agency: Correctional Facility
Deliver to: St. Cloud
Requisition #: 78830-10719

Commodity: Seating
Contact: John Bauer 296-2621
Bid due date at 2pm: April 8
Agency: Community College
Deliver to: Brainerd
Requisition #: 02310-19068

Commodity: Scanner
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 5
Agency: Correctional Facility
Deliver to: Faribault
Requisition #: 78790-01889

Commodity: 80286/12 computers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 4
Agency: Vermillion Community College
Deliver to: Ely
Requisition #: 27147-47363

Commodity: Shelving
Contact: John Bauer 296-2621
Bid due date at 2pm: April 8
Agency: Community College
Deliver to: Brainerd
Requisition #: 02310-19067

Commodity: Hard disk, corvis
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 5
Agency: Correctional Facility
Deliver to: Stillwater
Requisition #: 78620-00378

Commodity: Cleaning
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: April 4
Agency: Correctional Facility
Deliver to: Stillwater
Requisition #: 78620-00376

Commodity: Unleaded gasoline, gasohol, #1 and #2 regular diesel fuel
Contact: Dale Meyer 297-3773
Bid due date at 2pm: April 9
Agency: Transportation Department
Deliver to: St. Peter
Requisition #: Price contract—REBID

Commodity: ISDN telephone equipment
Contact: Teresa Ryan 296-7556
Bid due date at 2pm: April 9
Agency: Administration Department—InterTech Group
Deliver to: St. Paul
Requisition #: 02410-12038

Commodity: Forklift—REBID
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: April 8
Agency: Correctional Facility
Deliver to: Faribault
Requisition #: 78790-01653

Commodity: Tables
Contact: John Bauer 296-2621
Bid due date at 2pm: April 9
Agency: Community College
Deliver to: Brainerd
Requisition #: 02310-19071

Commodity: Doors, frames and hardware
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: April 9
Agency: Human Services Regional Service Center
Deliver to: Brainerd
Requisition #: 55304-08804

State Contracts and Advertised Bids

Commodity: Installation of a double liner in a basin
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: April 10
Agency: Natural Resources Department
Deliver to: Babbitt
Requisition #: 29000-55966

Commodity: Tractor leader backhoe
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: April 10
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79382-02125

Commodity: Blinds: horizontal and vertical
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: April 16
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyer's office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Recruitment poster, 5M sheets 17½"x22" 2-folds to 8½"x11", 2-sided, 4-color process, camera ready, showcase quality requested
Contact: Printing Buyer's Office
Bids are due: April 3
Agency: Minnesota Air Traffic Control Training Center
Deliver to: Flying Cloud Airport, Eden Prairie
Requisition #: 15297

Commodity: Grade report mailer, 60M continuous 4-ply computer form, negs available, tear off & thumb tab and free floating insert, 5½"x11" overall size, crimp
Contact: Printing Buyer's Office
Bids are due: April 3
Agency: State University
Deliver to: St. Cloud
Requisition #: 15419

Commodity: 1990-91 Minnesota group tour planner, 3M books 122-pages + cover, pages 8"x11", cover 8½"x11"
Contact: Printing Buyer's Office
Bids are due: April 3
Agency: Tourism Office of Trade & Economic Development Department
Deliver to: St. Paul
Requisition #: 14627

Commodity: Student snowmobile safety certificate, 10M sheets, 9½"x7" overall, type to set, 2-sided, punching and folding
Contact: Printing Buyer's Office
Bids are due: April 3
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 15375

Commodity: Rights and responsibility, 300M continuous pinfeed strips left/right 9½"x11" overall, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: April 4
Agency: Human Services Department Warehouse
Deliver to: New Brighton
Requisition #: 15377

Commodity: Notice of delinquent wage detail report, 35M 1-part continuous, 8½"x11", unperforated feed strips for use on IBM 1403 printer, type to set + negs, 2-sided
Contact: Printing Buyer's Office
Bids are due: April 4
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 15429

Commodity: 1990 Minnesota Transit Report, 1,800M 140-pages + cover, 8½"x11", camera ready, twin wire bind
Contact: Printing Buyer's Office
Bids are due at 2pm: April 9
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 15441

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Office of Administrative Hearings

Notice of Request for Proposal for Administrative Law Judge Services

The Minnesota Office of Administrative Hearings will be contracting with qualified attorneys to serve as administrative law judges for the eighteen-month period beginning July 1, 1991 and ending December 31, 1992.

Attorneys must be admitted to practice law in the State of Minnesota at the time they apply. Additional information on the requested services is detailed in the Request for Proposal which will be sent to all persons who ask to receive one. Proposals are particularly sought from attorneys who office in the Northwest or Southeast portions of Minnesota for work in those areas. Persons who serve as contract Administrative Law Judges, or members of their firm, may not appear as an attorney in any hearing conducted by this office. Compensation will be at the rate of \$45 per hour.

Persons desiring to receive a Request for Proposal must request one by notifying William G. Brown, Chief Administrative Law Judge, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7640, **no later than** 4:30 p.m. on Monday, April 22, 1991. Final proposals must be **received** by the Office of Administrative Hearings by 4:30 p.m. on Tuesday, April 30, 1991.

Office of Administrative Hearings

Notice of Request for Proposal for Court Reporting and Transcription Services

The Minnesota Department of Administration is acting as contracting agent for state departments and agencies that have a need for:

1. Court reporting services to provide an accurate and verbatim record of proceedings and depositions required by state and federal law, and

Department of Commerce Regulated Profession Publications

Banking Laws 1989. Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 \$31.95

Business and Nonprofit Corporation Act of 1989. Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 \$15.00

Fair Labor Standards Act 1987. Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$5.00

Insurance Laws 1988. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1. \$22.95

Insurance Rules 1989. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$18.00

Notary Public Laws 1989. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$5.00

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Real Estate Laws 1988. Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 \$7.00

Real Estate Rules 1987. Contains all education and licensing requirements for agents. Chapters 2800.2805, and 2810. Code #3-99 \$8.00

Securities Laws 1989. Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 \$7.00

Securities Rules 1988. Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 \$14.00

Banking Rules 1987. Code #3-81. \$6.00

Uniform Commercial Code 1986. Chapter 336, U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 \$10.00

Mailing Lists. All kinds available. Call to receive a copy of mailing list service packet, (612) 297-2552.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Professional, Technical & Consulting Contracts

2. Transcription services to prepare an accurate and verbatim typewritten record from proceedings recorded on single track, two track, or four track audio magnetic recording devices, such as 5" reel-to-reel tapes and standard cassette tapes.

All state agencies needing one or both of these services for the eighteen-month period beginning July 1, 1991 and ending December 31, 1992 will be required to use the contracts resulting from this proposal. Some of the State agencies having a need for the services are the Attorney General's Office, Office of Administrative Hearings (Administrative Procedure Act and Workers' Compensation Law hearings), Department of Labor and Industry, Tax Court, Public Utilities Commission, Department of Public Service, Environmental Quality Board, Pollution Control Agency, Mediation Services, Human Services, Transportation and Economic Security.

NOTE: It is unlikely that we will be soliciting additional proposals during this eighteen-month period.

Additional information on the requested services will be included in the Request for Proposal which will be sent to all persons or associations asking to receive one. Persons or associations who wish to receive a Request for Proposal must request one by notifying Dennis Reek, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7643, *no later than* 4:30 p.m., on Monday, April 22, 1991. Final proposals must be returned to the Office of Administrative Hearings at the above address by 4:30 p.m. on Tuesday, April 30, 1991.

Department of Health

Notice of Request for Proposal to Contract With a Voluntary Nonprofit Reporting Organization

I. Introduction

The Minnesota Department of Health is soliciting proposals from nonprofit organizations having as one of their primary functions the collection and dissemination of acute care cost information, to become a Voluntary Nonprofit Reporting Organization (VNRO) for hospital reporting for the period July 1, 1991 to June 30, 1992. A VNRO for hospital reporting is responsible for administering the hospital reporting requirements of the Minnesota Health Care Cost Information Act (*Minnesota Statutes* 144.695-703) and associated rules. This includes the collection of required information from each covered hospital, the maintenance of complete, accurate, and up-to-date computer data bases of hospital financial and statistical data, the timely response to public requests for hospital information and the provision of specific information and deliverables to the Minnesota Department of Health.

II. Background

The Health Care Cost Information System was established in 1984. Its purpose is to ensure that financial and statistical information about hospitals and freestanding outpatient surgical centers is available to public policymakers and consumers. Hospitals and outpatient surgical centers are required to file, on an annual basis, copies of their statements of financial position, rate schedules and interim rate increases, and selected utilization information.

The commissioner of health is responsible for collecting, verifying and disseminating the information to the public. The authorizing statute provides that the Department of Health may administer the system directly, or may approve an outside organization, a "Voluntary Nonprofit Reporting Organization", to administer aspects of the system.

III. Scope of the Project

A. Tasks to be Performed

1. Notify hospitals of reporting requirements.
2. Collect required information from hospitals.
3. Report hospital filing status to the Department of Health.
4. File hospital documents with the Department of Health.
5. Maintain computer databases of Revenue and Expense Report and Audited Financial Statement data.
6. File computer files with the Department of Health.
7. Prepare and file hospital commentaries with the Department of Health.
8. Prepare and file industry and hospital-specific profile reports with the Department of Health.
9. Prepare system development projects for the Department of Health.
10. Respond to public requests for hospital information.

B. Project Costs

It is anticipated that the cost of this activity will not exceed \$400,000.00. Costs incurred in meeting the terms of the contract

Professional, Technical & Consulting Contracts

are to be recovered by the contractor assessing fees on hospitals. There is no direct compensation from the Department of Health to the VNRO.

IV. Content of Application

A complete application must include:

1. Organization's name, address, telephone number and contact person.
2. Background information about the organization, including a detailed description of its computing facilities.
3. Information on proposed staff, including resumes, current job title and percentage of time committed to the program.
4. A description of the procedures the applicant organization will use to carry out the tasks and responsibilities described for this project.
5. An estimated budget, itemized by: salary, benefits, and professional development costs; computer costs; supplies and equipment costs; overhead expenses; and other costs.
6. A proposed hospital fee schedule to cover estimated VNRO operating expenses.

V. Department Contact

Copies of the Request for Proposal for Contract Services including a detailed description of project tasks and responsibilities are available from:

Marianne Miller, Director
Health Economics Program
Health Systems Development Division
Department of Health
717 South East Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440
Telephone: (612) 623-5520

All proposals must be submitted to the Department of Health no later than 4:30 p.m. Friday, May 3, 1991.

Minnesota Historical Society

Notice of Contract Availability for Computer Programming—Interactive Games and Related Services

Introduction

The Minnesota Historical Society is seeking proposals from qualified firms and individuals for the production of a set of interactive computer based games for its Forest History Center located at Grand Rapids, Minnesota. The games will complement the Center's existing exhibits to aid in interpreting the history of the human relationship with the forested area of Northern Minnesota.

General Description

The work will consist of programming of three computer based games based on concepts and scripts provided by the Society. The work will include the specification and provision of suitable hardware for implementation of the games and, as an alternate, may include the design of a suitable free-standing kiosk for the game hardware.

Request for Proposals

This contract is offered through the Request for Proposals. Copies of the complete Request for Proposals, which includes specifications and scripts may be obtained from Gary W. Goldsmith, Contracting Officer, by calling (612) 296-2155.

Submission of Proposals

Proposals are due not later than 4:00 p.m. April 23, 1991.

Minnesota Historical Society

Request for Proposals for Historical Preservation Design at Historic Meighen Store

Scope of Proposal

The Minnesota Historical Society is seeking proposals from qualified architectural design firms for historic preservation design work for the restoration of the Meighen Store Historic Site (Circa 1899), Forestville State Park, near Preston, Minnesota.

The work will include assessment of the store and dwelling complex's exterior and interior features, electrical and mechanical systems, recommendation for necessary work based upon the analysis of existing conditions, damages, structural problems and material deterioration. The work may also include assessment of one or more of the outbuildings along with recommendations based on the above factors. Finally, the work will include schematic design, design development, construction documents, bidding and construction supervision for at least an initial phase of restoration work.

Restoration work for the initial phase of this historic preservation project is anticipated to include the kitchen wing, both exterior and interior; a limited amount of work on the store and residence exterior; electrical and lighting for the residence and store complex; and a fire and security detection system. Some work on selected outbuildings may also be involved. The estimated construction budget for this phase is approximately \$80,000. If additional construction phases are undertaken, the contract awarded under this proposal may, at the Society's option be extended to include those phases, at negotiated fees.

Submission of Proposal

All proposals must be directed to Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101.

All proposals must be received no later than 4:00 p.m. April 18, 1991. Late proposals will not be considered.

Submit two copies of the proposal. Proposals must be sealed in envelopes or packages with the proposer's name, address and the name of the project for which the proposal is being submitted clearly written on the outside. Proposals must be signed in ink by an authorized member of the proposer firm.

Firms which have demonstrated successful experience in historic preservation/evaluation will be considered for this project. All proposers must be duly licensed architects.

This Request for Proposals does not obligate the Society to complete this project. The Society reserves the right to cancel this solicitation or to change its scope if it is considered in the best interest of the Society.

Proposal Contents

Proposals must include the following:

1. The cover of the proposal must include the name of the project, the name, address, telephone number and legal status of the proposer, and the name of the person who will be directly responsible for the project.
2. A list of historic preservation projects completed by the proposer in the last five years. This list should include restoration, reconstruction and rehabilitation projects completed both in and outside of Minnesota.
3. A section containing graphic materials (photos, plans, elevations, etc.) of projects completed in which the person who will be responsible for this project played a significant role.
4. A section containing the proposer's credentials and the credentials of the person who will be responsible for this project.
5. An estimate of the cost of the work included hereunder, with appropriate breakdowns and the rates or other method on which periodic billings will be calculated. The Society recognizes that this Request for Proposals includes a number of open-ended tasks which must be finalized during the negotiation of the design work contract and that actual fees will be negotiated at that time.
6. Any other information that the proposer believes will assist the Society in evaluating the ability of the proposer to successfully complete the project.

The Society reserves the right to waive irregularities in proposal content or to request supplemental information from proposers.

Society Contacts

Prospective proposers who have questions regarding the scope of the proposal or the work to be done hereunder should contact John Ferguson, Restoration and Construction Manager at (612) 726-1171.

Proposers who have questions concerning the form of the proposal or other procedural matters should contact Gary W. Goldsmith, Contracting Officer, at (612) 296-2155.

Department of Human Services

Request for Proposal for Providing Assistance to Medicaid Recipients Denied Payment for Medicare Services

The Minnesota Department of Human Services is requesting proposals from qualified bidders to develop and implement procedures to provide assistance on a statewide basis to persons who are denied Medicare coverage to which they are entitled. Specifically, the Department seeks such assistance for persons eligible for Medicaid who are inappropriately denied Medicare coverage in a Skilled Nursing Facility, and for residents receiving treatment for mental illness at Regional Treatment Centers (RTCs).

Proposals in response to this RFP may encompass either Skilled Nursing Facilities or RTCs, or both. Each service must be addressed on a statewide basis. The Department will consider and compare proposed programs and costs to determine whether to award a single contract or more than one contract. The anticipated contract period is from July 1, 1991, through June 30, 1992.

The formal Request for Proposal which contains detailed specifications may be requested from the Department up to May 1, 1991. Selection of Contractors will be made in June 1991. Please direct proposal requests and inquiries to:

Julie Elhard, Medicare Coordinator
Benefit Recovery Section
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3850
(612) 296-7699

Department of Human Services

Faribault Regional Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Faribault Regional Center, Residential Facilities Administration, Department of Human Services, is seeking services which are to be performed as requested by the Administration of the Faribault Regional Center. The following contracts will be written for the period of July 1, 1991 through June 30, 1993.

1. **Services of one physical therapist**, and one respiratory therapist to serve the needs of the developmentally disabled.
2. **Services of one MD** to serve as on call physician to Faribault Regional Center during weekend (Saturday AM to Monday AM).
3. **Services of one radiologist.**

Responses must be received by April 26, 1991. Direct inquiries to:

Charles Hansen, Contract Coordinator
Faribault Regional Center
802 Circle Drive
Faribault, MN 55021
Phone: (507) 332-3645

Department of Human Services

St. Peter Regional Treatment Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contracts will be written for the period July 1, 1991 through June 30, 1993.

1. **Services of five psychiatrists** to serve the needs of the mentally ill and dangerous.
2. **Services of one physical therapist**, one audiologist and one psychiatrist to serve the needs of the developmentally disabled.
3. **Services of one Ph.D. level psychologist** to serve as resource person to staff psychologists.

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4. **Services of one American sign language interpreter and one psychologist** to serve the needs of the hearing impaired.
5. **Services of one radiologist and one anesthetist.**

Responses must be received by April 19, 1991. Direct inquiries to:

Gloria Duffus, Contract Coordinator
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phone: (507) 931-7714

Department of Human Services

Southern Cities Community Health Clinic

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Southern Cities Community Health Clinic, Residential Facilities Administration, Department of Human Services, is seeking services which are to be performed as requested by the Administration of the Southern Cities Community Health Clinic. The following contracts will be written for the period of July 1, 1991 through June 30, 1993.

1. **Services of one psychiatrist** to serve the needs of the Developmentally Disabled.
2. **Services of one respiratory therapist, one ophthalmologist, one MD** to provide epileptology services, and one MD to provide Ear, Nose, and Throat specialist services.
3. **Services of one radiologist.**

Responses must be received by April 26, 1991. Direct inquiries to:

Rhonda Mulder, Administrator
Southern Cities Community Health Clinic
330 Heritage Place
Faribault, MN 55021

Minnesota State Legislature

Legislative Commission on Planning and Fiscal Policy

Notice of Request for Proposals for Consulting Services to Assess Financial Reporting by Political Subdivisions in Minnesota, Including Plans for Improved Adequacy, Uniformity, and Access

A study of local government financial reporting has been mandated under two statutory subdivisions relating to the activities of the Legislative Commission on Planning and Fiscal Policy (1990 *Minnesota Statutes* chap. 3.885 subd. 5 & 8); specifically, a comprehensive assessment of the process of local government financial reporting to state agencies (including relevant aspects of information policy and technological development policy) and the design of a plan for a statewide approach to local government financial reporting.

The study will be Phase I of a three-phase process: Phase II will consist of refinements in the plan for a statewide local government financial reporting system and a pilot implementation at 20-40 local government sites across Minnesota. Phase III will result in full implementation of the statewide financial reporting system designed in Phase I and piloted in Phase II. Separate funding and proposal requests will be required for each phase.

Respondent questions will be addressed at a pre-bid conference to be held on Friday, April 12, 1991, time and place to be announced. Proposals must be received by 4:00 p.m. on Friday, April 26, 1991, without exception. Full RFP may be obtained from:

Legislative Commission on Planning and Fiscal Policy
c/o William R. Sims
Senate Counsel & Research
G-17 State Capitol
St. Paul, MN 55155
(612) 296-0134

Minnesota State Lottery

Request for Proposals for Custom Designed Kaleidoscopes

The Minnesota State Lottery will be seeking bids for 9,000 custom designed kaleidoscopes. Bid deadline is April 12, 1991 at 2:00 p.m. Bids arriving after that time will not be accepted. Delivery will be needed by June 1, 1991. Approximate cost is \$45,000.00. This purchase will be made under provision of MS 349A.07 which states in part:

"The director shall utilize an open bid process and shall take into account the particularly sensitive nature of the state lottery and shall consider the competence, quality of product, experience, and timely performance of each potential vendor in order to promote and ensure security, honesty, fairness, and integrity in the operation and administration of the lottery."

Companies interested in bidding should contact:

Susie Kivi
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
(612) 635-8105
FAX (612) 297-7498

State Planning Agency

Interagency Adult Learning Advisory Council

Request for Proposals to Improve Coordination and Effectiveness in Adult Basic Skills Programs and Related Services

The Minnesota State Planning Agency is seeking to make one-time investments in local multi-agency or multi-disciplinary projects that increase the ongoing effectiveness of adult basic skills and diploma/GED delivery systems. Goals are: linking basic skills learning with employment, reducing adult learner dropout rates, reducing intergenerational illiteracy, and increased efficiency through coordination of various education and support services. Projects must serve one or more of the following adult populations: (1) public assistance recipients, (2) the unemployed, (3) the underemployed, (4) the incarcerated, or (5) non or limited-English speaking persons. Projects must be sustainable from other funding sources in the future.

Grants availability, deadlines, and award dates are conditional upon funding by the 1991 legislature. It is expected that between \$150,000 and \$250,000 will be available for the period from August 1, 1991 to June 30, 1992. Four types of proposals will be considered:

- 1. Dissemination Grants: \$2,000-\$9,000.** Grants for training and consultation to transfer successful models to new communities, including models developed in previous interagency grants.
- 2. Team Building Grants: \$2,000-\$15,000.** Grants to communities not previously funded under this program to do multi-agency needs assessment, planning, team building, staff development, and project startup. Priority may be given to communities judged to have limited resources and a limited history of interagency cooperation.
- 3. Capacity Building Mini-Grants: \$2,000-\$15,000.** Grants for pilot program start-up costs, multi-agency systems, co-located facilities, curriculum, technology, or other one-time investments.
- 4. Innovation Grants: \$16,000-\$50,000.** Approximately two or three larger grants may be awarded to model projects that clearly have statewide value for replication or dissemination, or serve communities with a high incidence of the target population not previously reached by this grant program.

Overall, it is estimated that between 8 and 14 communities will be funded. A minimum of approximately \$100,000 will be reserved for categories 1, 2, and 3 above. The Planning Agency will seek to fund a mix of grantees that has geographic balance and representation of communities of color.

Priority Areas: Proposals are to be based on local needs. However, the Planning Agency may prioritize proposals in following areas:

A. Families and Children. Teams that integrate learning, developmental, and family self-sufficiency efforts for both parents and children, involving agencies such as elementary schools, Head Start, STRIDE, and ECFE.

B. Cultural Diversity. Projects that increase program capacity and effectiveness for communities of color or persons with disabilities.

Professional, Technical & Consulting Contracts

C. Systems Integration. Projects that join together systems and services from several programs. This may be done through co-location, common individual learner plans, shared case management, shared information systems, or other methods. Also, projects are desired that coordinate services between 2-year colleges and Adult Basic Education programs.

Proposals will be accepted only from multi-disciplinary teams serving a defined geographic area or special population. Teams should include major education, job training, human services/family/children's/or correctional services, and minority agencies or programs. Any governmental or non-profit private agency may be the lead agency and fiscal agent for the team.

Six copies of proposals must be received at the Planning Agency by 4:30 p.m. Monday, June 10, 1991 on forms provided by the agency. A letter of intent must be received, faxed, or postmarked by Tuesday, May 14, 1991.

The Planning Agency will notify grantee teams of their selection no later than July 10, 1991, and reserves the right to negotiate final funding levels and conditions.

Informational workshops will be held as follows:

- Thursday, April 18, 2:00-3:30 p.m., State Planning Agency, 301 Centennial Bldg., 658 Cedar St., St. Paul (meter parking in ramp, orange level)
- Wednesday, April 24, 1:30-3:00 p.m., Holiday Inn, Brainerd, Highway 371 South

This request is authorized by *Minnesota Statutes* 1990, section 124C.03. It was developed under the guidance of the Interagency Adult Learning Advisory Council. For a copy of the full Request for Proposal and the required forms contact:

Jo Griffith, (612) 296-7819, or
Mark Larson, Director, (612) 297-4026
Interagency Adult Learning Advisory Council
Minnesota State Planning Agency
300 Centennial Bldg.
658 Cedar St.
St. Paul, MN 55155
FAX: (612) 296-3698

Department of Transportation

Program Management Division

Notice of Availability of Contract for Motor Carrier Outreach Development Plan

The Minnesota Department of Transportation is requesting proposals for a qualified consultant to develop, format, style, and design educational and informational materials needed by Mn/DOT's Office of Motor Carrier Safety and Compliance to promote carrier awareness of safety regulations and operating requirements. Examples of desired outreach materials will be available for review Monday through Friday 9:00 a.m.-3:00 p.m. at the Office of Motor Carrier Safety and Compliance in South St. Paul, MN until April 19, 1991.

The department estimates that the cost of this project need not approach but shall not exceed \$20,000.00. It is anticipated that the contract period will begin May 1, 1991 and continue through June 30, 1991.

For further information, or to obtain a copy of the completed Request for Proposal contact Ted Coulianos, Motor Carrier Safety and Compliance, 151 Livestock Exchange Building, South St. Paul, MN 55075. Telephone: (612) 296-7109, extension 118. Proposals must be received at the above address no later than 3:30 p.m. on April 19, 1991. This request does not obligate the State of Minnesota, Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Minnesota Veterans Home—Hastings

Notice for Request for Proposal for Contract Chaplaincy Services

The Minnesota Veterans Home—Hastings (MVH-H) wishes to retain a contractor to provide chaplaincy services for the residents of the Minnesota Veterans Home—Hastings pursuant to health regulations. Specific contractor duties include: assessment of residents'

Professional, Technical & Consulting Contracts

spiritual needs; coordination or provision of worship services and religious studies; coordination and/or provision of visitation and counselling to residents; coordination of memorial services for residents; and participation on the Ethics Committee. In addition, the Chaplain will comply with the provision of the job description.

It is anticipated that the cost of the contract services will not exceed \$11,000 per year for professional services for two (2) years. Proposals must be received by 4:30 p.m. on **April 12, 1991**. A copy of the Request for Proposal is available from:

Susan Kiley, Administrator
Minnesota Veterans Home
1200 East 18th Street
Hastings, Minnesota 55033
Phone: (612) 437-3111

Minnesota Veterans Home—Hastings

Notice for Request for Proposal for Contract Consultant Dietitian Services

The Minnesota Veterans Home—Hastings wishes to retain a contractor to provide for consultant dietitian services for the residents of the Minnesota Veterans Home—Hastings pursuant to state and federal health regulations. Specific contractor duties include: provision of therapeutic diet menus to conform with physicians' orders and which meet the nutritional needs of residents based on the recommended daily allowance of the Food and Nutrition Board; completion of monthly regulatory compliance checklist; participation in Quality Assurance activities; completion of resident nutritional assessments; participation in the nutritional care plan development and implementation; provision of resident nutritional counselling; and submission of monthly consultant written report to Administrator. These duties are included in a written position description.

It is anticipated that the cost of this contract will not exceed \$8,000 per year for professional dietitian services for the two (2) year. Proposals must be received by 4:30 p.m. **April 12, 1991**.

A copy of the Request for Proposal is available from:

Susan Kiley, Administrator
Minnesota Veterans Home
1200 East 18th Street
Hastings, Minnesota 55033
Phone (612) 437-3111

Minnesota Workers' Compensation Assigned Risk Plan

Notice of Request for Proposal for One or More Licensed Collection Agencies to Provide Services to the Minnesota Workers' Compensation Assigned Risk Plan (MWCARP)

The MWCARP intends to contract with one or more licensed collection agencies to provide services on its behalf. The contract period will commence August 1, 1991 and expire July 31, 1994. The deadline for submission of proposals is 4:00 p.m., April 30, 1991. Interested parties may obtain the formal Request for Proposal from:

MWCARP Administrative Office
4500 Park Glen Road Suite 360
Minneapolis, Minnesota 55416
(612) 924-6972

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Transit Commission

Request for Proposals Sought from Firms Interested in Developing an Advertising Services Proposal

NOTICE IS HEREBY GIVEN that the Metropolitan Transit Commission (MTC) will receive proposals at its offices at 560 Sixth Avenue North, Minneapolis, Minnesota 55411-4398, from firms interested in developing an advertising services proposal for the MTC regular route and Minnesota Rideshare services for the period of July 8, 1991 to December 31, 1992. Proposals are due postmarked no later than April 23, 1991.

The MTC reserves the right to reject any and all proposals.

The successful proposer shall be required to comply with all applicable Equal Employment Opportunity laws and regulations. Proposals will not be subjected to discrimination on the basis of race, color, sex or national origin in consideration for an award.

The contract will be awarded to the firm judged to be the most advantageous to the MTC.

Prospective proposers may obtain Request for Proposals by contacting Robert E. LaShomb, Director of Marketing at (612) 349-7680.

Announcements

DNR April Calendar: **April 5-7**—Sport, Home and Rec. Show, Albert Lea City Arena; **April 11**—turkey hunt opener; **April 13**—Project WILD Workshop for teachers, Fort Snelling State Park, and stream trout fishing opener; **April 20**—Itasca State Park Centennial Celebration; **April 22**—Earth Day 1991; **April 26**—Arbor Day.

Reservations Open for Minnesota State Parks: Camping reservations can be made up to 120 days prior to arrival at a state park, so reservations through the fishing opener, Memorial Day weekend, and July Fourth can be made now. Reservations can be made by calling Mistix (the firm handling state parks reservations) at 1-800-765-CAMP Mondays through Saturdays from 8 a.m. to 5 p.m. between Jan. 2 and Sept. 30, or Mondays through Fridays from 8 a.m. to 5 p.m. between Oct. 1 and Dec. 31. Nearly 43,000 reservations were made in 1990. A non-refundable \$5 fee is charged for each camping reservation at the time the reservation is made. Payment can be made by Visa, MasterCard, personal check or money order. Reservations paid for with a check or money order must be made a minimum of 10 days in advance of arrival at the park, and the check or money order must be received at Mistix within seven days after making the reservation, or the reservation will be canceled. (Neither Mistix or Minnesota State Parks are responsible for Postal Service deliveries.) Some reservation service changes have been made since 1990. The reservation service is limited to campgrounds and lodging facilities. Camping site reservations are only accepted three to 120 days in advance of arrival. Lodging facilities may be reserved three to 360 days in advance of arrival. The Group Centers and Group Areas are no longer included in the centralized reservation system, but all reservations previously made through the reservation system for 1991 will be honored. Reservations for group centers or group areas must be made at the park where reservations are desired. Lodging reservations for Itasca, Maplewood, Scenic and St. Croix state parks may be made from three to 360 days prior to arrival. The \$25 lodging reservation fee, which is collected when placing a reservation, is applied to the first night's lodging. Minnesota State Parks reserve a maximum of 70 percent of available camping sites through Mistix. The remaining sites are left open at the parks on a first-come, first-served basis. Sixty-two of the 65 Minnesota state parks have camping facilities. The facilities vary from campgrounds that can accommodate a large modern recreational vehicle to backpack campsites that are only accessible by a three-mile hike. There are even a few sites only accessible by boat or canoe. To get the new brochure on the state parks reservation program, or for information about the State Parks Centennial, write the DNR Information Center, 500 Lafayette Road, St. Paul, MN 55155-4040, call the DNR Information Center at (612) 296-6157 in the Twin Cities, or call toll free in Minnesota 1-800-652-9747 (ask for the DNR). The Telecommunications Device for the Deaf (TDD) number is (612) 296-5484.

DNR Announces 1991 Bear Hunting Season: The 1991 Minnesota bear season will run from Sept. 1 through Oct. 13, announced the Department of Natural Resources (DNR). There are 7,140 permits available in 10 quota areas, an increase of 770 permits from 1990. Information regarding regulations, zone maps, and application forms are now available from license agents throughout the state. Applications for the computerized drawing are due May 1. Each hunter who entered the 1990 lottery has been sent a preprinted application for this year's drawing. DNR officials encourage hunters to use the preprinted applications to help reduce errors and processing costs. Savings will be used for other deer and bear management needs. Because there have been a few boundary changes, hunters are advised by the DNR to study the map and fill out applications carefully. A new quota area, Area 26, has been created in the Itasca County area, and several surrounding quota areas have been modified and renumbered. Bear licenses cost \$34 for residents and \$166 for nonresidents. Hunters should not send money with their applications. Successful applicants will be notified by May 21 to submit the appropriate fees to receive a license. The bear permit drawing is based on a preference system similar to the system used for antlerless deer permits and turkey permits. Hunters receive preference for each year that they apply but are not issued a permit. Permits are drawn first for those applicants who have the highest preference. A driver's license number, Minnesota Public Safety I.D. card number, or a 13-digit Firearms Safety card number (only provided on those cards issued Jan. 1, 1991) is required to apply for the drawing. Portions of the bear range will also be open to hunting on a no-quota basis. An unlimited number of licenses for the no-quota area will be available after July 1 at the DNR License Bureau, county auditors offices, and at license vendors in Pine, Kanabec, Roseau and Marshall counties. A hunter who obtains a license for a quota area is not eligible to purchase a license for the no-quota area. DNR officials advise hunters that the bear population in most of the no-quota area is low and much of the land is privately owned, where permission to hunt is required.

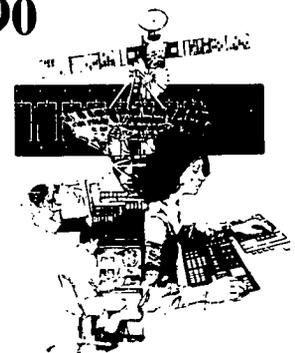
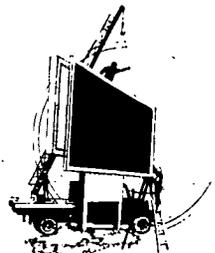
Regional Housing Plan Report: A task force report recommending that the Metropolitan Council develop a comprehensive regional housing plan, similar in scope to its region-wide plans for sewers and transportation, was approved by the Council. The report also recommends that the legislature appropriate more money to help provide lower-cost housing and save neighborhoods in the Twin Cities Area from deteriorating. The Council will consider action on the report's recommendations in coming months. The task force issued its report in January. After a public meeting on the report, the Council adopted it in March. One state funding resource for low-income housing, the Housing Trust Fund, should be greatly expanded, the report says. It also emphasizes that rehabilitating, maintaining and adapting the existing housing stock is the primary way to meet regional housing needs, rather than relying heavily on new construction. The report emphasizes that the region should make a commitment to provide decent, affordable housing for everyone—and people should not have to fail before they get help. Existing housing and services funding and programs should be maximized and made more flexible, the report says. The 43-member task force was made up of housing and local government officials, builders, legislators, developers and representatives from nonprofit housing organizations. For a copy of the report, *Meeting the Region's Housing Needs in the 1990s: A Three-Part Proposal*, call the Metropolitan Council Data Center at 291-8140.

Minnesota Manufacturer's Directory 1989-90



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$78.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$17.95.

Love of Loons. A Voyageur Wilderness Book, with color photos and lore of this delightful state bird make this a beautiful gift. Stock #9-22, \$12.95 + tax.

Loon Lapel Pin. Code #15-30, \$2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, \$19.95.

Loon Nature Print, full-color poster 16" x 22", Code #15-18, \$3.00.

Loon with Baby—poster, 16" x 20". Code #15-48, \$3.00.

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Minnesota's future environment

The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

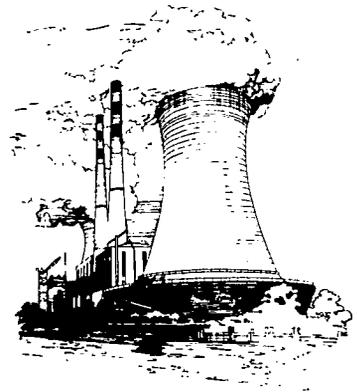
1989 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$24.95.

1989 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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For Real Estate Professionals:

REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$8.00

REAL ESTATE LAWS 1988

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$7.00

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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Morel: Minnesota's mushroom

The Mushroom Hunter's Field Guide. An all-color guide by Alexander Smith and Nancy Smith Weber with clear and orderly facts, explicit pictures and scientific accuracy. Stock # 9-10, \$14.95 + tax.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$14.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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Murder: Minnesota style

Murder in Minnesota: A treasury of vintage crimes in which famous and obscure characters come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

Robber and Hero: On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

Secrets of the Congdon Mansion: The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$5.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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The "inside scoop" on OVER \$1 BILLION in annual business contracts.



Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **STATE REGISTER**, the most complete listing of state contracts available. Just a *sampling* of contracts includes: professional, technical and consulting services, commodities, printing, equipment, supplies, food items, and a wide variety of special services.

For only \$4 a week you can have delivered to your office the most effective and economical means of tracking state contracts. The smart way to stay in the know, and land the business of state government, is with the **STATE REGISTER**, now appearing **TWICE A WEEK**.

You will also have the *most comprehensive listing* of contract awards. And you'll receive the source of state agency rulemaking governing business, the professions and regulated occupations. You'll also get official notices, executive orders of the governor, supreme court and tax court decisions, a calendar of supreme court cases, state grants, and other special announcements.

An annual subscription is \$195 for both the Monday and Thursday editions, or \$140 for just the Monday edition if you're only interested in state agency rulemaking information. A 13-week trial subscription for \$60 includes both the Monday and Thursday editions. MasterCard/VISA and American Express orders can be taken over the phone, otherwise prepayment is required. Send, or FAX (612/296-2265), your orders to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Let us bring you the business of state government. Subscribe to the **STATE REGISTER** today, or call (612) 296-0931 for more information.

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Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 25.00	90-3	State Register, Monday edition only, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 20.00	90-4	State Register, Monday and Thursday editions, 1 year	\$195.00	90-1
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Trial State Register, 3-months, Monday and Thursday	\$ 60.00	90-2
Human Services Bulletin List	\$ 55.00	90-7	Tax Court/Property Decisions	\$225.00	90-11
PERB (Public Employee Relations Board) Awards and Decisions, 1 year	\$285.00	90-9	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
			Workers Compensation Decisions Vol. 41	\$110.00	90-13
			Minnesota Rules, Set + Supplement	\$160.00	18/200

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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Catching criminals is only one part of law enforcement.

Police Report Writing Style Manual 1986—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$15.00.

Motor Vehicle Traffic Laws 1989—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$15.95.

Criminal Code & Selected Statutes 1989—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$18.00.

Blue Binder—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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Human Services Laws and Rules

Human Services Laws 1989

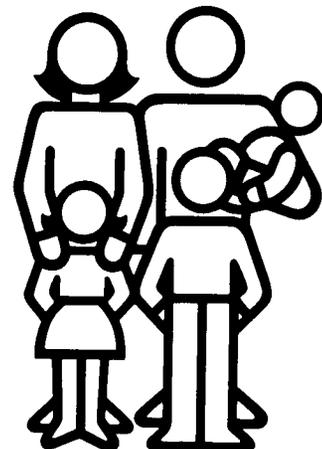
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$29.95.

Human Services Rules 1989

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$34.95.

3 ring binder, 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.25.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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Minnesota's Bookstore

Publications, Services, Subscriptions

Order Form on Back—For Information, Call 297-3000

NEW PUBLICATIONS:

1990 Minnesota Session Laws. Two volume set includes laws passed during the 1990 session and the 1989 Special Session. Stock #18-6, \$40.00 + \$2.40 tax.

Community Waste Education Manual. Practical guide helps communities develop waste education campaigns with organizing volunteers, planning a budget, working with media and more. Includes camera-ready art and copy for media and publication needs. Stock #5-7, \$22.95 + \$1.38 tax.

School District Profile 1988-89. Comparative enrollment, staffing and financial data on Minnesota's school districts, evaluation of the statistical content with commentary on trends and patterns. Stock #5-3, \$5.00 + 30¢ tax.

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